

14-2254. Possession of a deadly weapon by a prisoner; essential elements.

For you to find the defendant guilty of possession of a deadly weapon by a prisoner [as charged in Count _____]¹, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant was in custody or confinement² at _____³;
2. The defendant was in possession⁴ of a [_____ (*a deadly weapon*)⁵].

[OR]

The defendant possessed a _____ (*name of object*). A _____ (*name of object*) is as deadly weapon only if you find that if used as a weapon, a _____ (*name of object*) could cause death or great bodily harm⁶];⁷

3. This happened in New Mexico on or about the _____ day of _____, _____.

USE NOTES

1. Insert the count number if more than one count is charged.
 2. If there is a question of fact involving the lawfulness of the custody or confinement, an appropriate instruction must be prepared.
 3. Identify the place of custody or confinement.
 4. Use UJI 14-130 if possession is in issue.
 5. Insert the name of the weapon. Use this alternative only if the deadly weapon is specifically listed in Section 30-1-12B NMSA 1978.
 6. UJI 14-131, the definition of "great bodily harm", must also be given.
 7. This alternative is given only if the instrument or object possessed is not specifically listed as a deadly weapon in Section 30-1-12B NMSA 1978.
- [As amended, effective February 1, 2000.]