

**14-2250. Assault by a prisoner; essential elements.**

For you to find the defendant guilty of assault by a prisoner [as charged in Count \_\_\_\_\_]<sup>1</sup>, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant \_\_\_\_\_ (*describe act, threat or menacing conduct*);
2. This caused \_\_\_\_\_ (*name of officer, employee or visitor*)<sup>2</sup> to believe he was about to be killed or to receive great bodily harm<sup>3</sup>;
3. A reasonable person in the same circumstances would have had the same belief;
4. At the time, the defendant was confined at \_\_\_\_\_<sup>4</sup>;
5. 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 as to whether victim was an officer, employee or visitor, a special instruction must be drafted.
3. The definition of "great bodily harm," UJI 14-131, must also be given.
4. Identify the place of custody or confinement.