

14-5111. Inability to form intent to do a further act or achieve a further consequence.¹

An issue you must consider in this case is whether the defendant was [intoxicated from the use of (alcohol) (drugs)]² [suffering from a mental disease or disorder]. You must determine whether or not the defendant was _____³ and, if so, what effect this had on the defendant's ability to form the intent to [_____]⁴.
[Intent to _____⁴ is not an element of the crime of _____⁵. If you find the defendant not guilty of _____⁶, you must proceed to determine whether or not the defendant is guilty of the crime of _____⁵.]

The burden is on the state to prove beyond a reasonable doubt that the defendant was capable of forming an intention to _____⁴. If you have a reasonable doubt as to whether the defendant was capable of forming such an intention, you must find the defendant not guilty of _____⁵.

USE NOTES

1. This instruction is used for the intoxication or mental disease defense for a crime that includes an element of intent to do a further act or achieve a further consequence. It may not be used for a homicide crime. See UJI 14-5110 NMRA. When the defense is based on a "mental disease or disorder" and the defendant has also relied on the complete defense of insanity, this instruction should follow UJI 14-5101 NMRA. Otherwise, the instruction should follow the elements instruction for the crime or crimes with the intent element. If this instruction is given, add to the essential elements instruction for the offense charged, "The defendant was not [intoxicated from use of (alcohol) (drugs)]² [suffering from a mental disease or disorder] at the time the offense was committed to the extent of being incapable of forming an intention to _____⁴."

2. Use only the applicable bracketed phrase. If intoxication is in issue, use only the applicable source of intoxication.

3. Repeat the bracketed and parenthetical words used in the first sentence.

4. Repeat the applicable specific intent to do a further act or achieve a further consequence from the essential elements instruction of the crime.

5. Name any other offenses or lesser included offense which does not have an intent to do a further act or achieve a further consequence and for which an instruction is being given to the jury.

6. Name the crime charged which requires specific intent.

[As amended, effective January 1, 1997; as amended by Supreme Court Order No. 19-8300-016, effective for all cases pending or filed on or after December 31, 2019.]