

14-623. Child abuse resulting in death; intentional act; child under 12; essential elements.

For you to find _____ (*name of defendant*) guilty of intentional child abuse resulting in death of a child under twelve (12) years of age, [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. _____ (*name of defendant*) _____
(*describe conduct or course of conduct alleged to have been child abuse*).

2. By engaging in the conduct described in Paragraph 1,
_____ (*name of defendant*) caused _____ (*name of child*)

[to be placed in a situation that endangered the life or health of
_____ (*name of child*);]²

[OR]

[to be exposed to inclement weather;]

[OR]

[to be [tortured] [or] [cruelly confined] [or] [cruelly punished]]

3. _____ (*name of defendant*) acted intentionally³
[and without justification];⁴

4. _____ (*name of defendant*)=s conduct resulted in
the death of _____ (*name of child*);

5. _____ (*name of child*) was under the age of twelve
(12);

6. 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. Use only applicable alternative or alternatives.
3. The definition of "intentionally," UJI 14-626 NMRA, must also be given with this instruction.

4. If "justification" is an issue, this bracketed alternative must be given if requested.

[Adopted by Supreme Court Order No. 15-8300-001, effective for all cases filed or pending on or after April 3, 2015; as amended by Supreme Court Order No. 18-8300-012, effective for all cases pending or filed on or after December 31, 2018.]