

14-2402. Intimidation or threatening a witness.

For you to find the defendant guilty of intimidating or threatening a witness [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 witness*) was a [witness]² [person likely to become a witness] in a [judicial proceeding] [administrative proceeding] [legislative proceeding] [or] [_____ (*name of official proceeding*)];

2. The defendant knowingly [intimidated] [or] [threatened] _____ (*name of witness*) for the purpose of [preventing _____ (*name of witness*) from testifying to any fact] [causing _____ (*name of witness*) to abstain from testifying] [or] [causing _____ (*name of witness*) to testify falsely] in the [judicial proceeding] [administrative proceeding] [legislative proceeding] [or] [_____ (*name of official proceeding*)];

[3. _____ (*name of proceeding*) was an official proceeding;]³

4. 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 applicable bracketed alternatives.
3. This alternative must be given if the official proceeding was not a judicial, administrative or legislative proceeding.
[Approved, effective October 1, 2001.]