

14-318. Criminal damage to property; household member; essential elements.

For you to find the defendant guilty of criminal damage to property of a household member [household member's interest in excess of \$1,000.00]¹ [as charged in Count _____]², the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant intentionally³ damaged [real] [personal] [community] [or] [jointly owned]⁴ property of _____ (*name of victim*);
2. The defendant intended to [intimidate] [threaten] [or] [harass]⁴ (*name of victim*);
- [3. The defendant did not have the _____'s (*name of victim*) permission to damage the property;]⁵
- [4. The damage to the _____'s (*name of victim*) interest in the property was more than \$1,000.00;]¹
5. _____ (*name of victim*) was a household member of the defendant⁶;
6. This happened in New Mexico on or about the _____ day of _____, _____.

USE NOTE

1. Bracketed language is to be used if the amount of damage to the household member's interest in the property exceeds \$1,000.00. If the bracketed language is used UJI 14-1510 must also be given.
 2. Insert the count number if more than one count is charged.
 3. UJI 14-141 NMRA, general criminal intent, must also be given.
 4. Use only the applicable bracketed element established by the evidence.
 5. Use this alternative only if sufficient evidence has been introduced to raise an issue of permission.
 6. Definition of a household member should be given, see UJI 14-370 NMRA.
- [Adopted by Supreme Court Order No. 14-8300-005, effective for all cases filed or pending on or after December 31, 2014.]