

**14-2810B. Multiple conspiracies; distinct agreements.<sup>1</sup>**

The Defendant[s] [\_\_\_\_\_, and \_\_\_\_\_] [is]<sup>2</sup> [are] charged in Counts \_\_\_\_\_ and \_\_\_\_\_ with \_\_\_\_\_ separate conspiracies. Each of these Counts requires a separate verdict and must be considered separately.

For you to find [the]<sup>2</sup> [a] Defendant[s] guilty of one or more conspiracies, as charged in Counts \_\_\_\_\_ and \_\_\_\_\_, the State must prove to your satisfaction beyond a reasonable doubt that [the]<sup>2</sup> [a] Defendant entered into an agreement to commit [one or more of] the crime[s] alleged in that specific count.

It is not enough to return a verdict of guilty on a particular count for you to find [the]<sup>2</sup> [a] Defendant is guilty of some other conspiracy count or entered into some other agreement to commit a crime not charged in that specific count of the indictment. Each conspiracy count must be considered separately. Each verdict of guilty must be supported by evidence—beyond a reasonable doubt—of a separate and distinct agreement to commit the crime[s] alleged in that specific count and not a continuation of Count \_\_\_\_\_. Otherwise you must find the defendant not guilty of that count, regardless of your verdict on other counts of the indictment.

If you conclude that [the]<sup>2</sup> [a] Defendant conspired and agreed to commit more than one (1) crime, to assist you in determining whether the defendant entered into two (2) or more separate agreements with different criminal objects, or whether [the]<sup>2</sup> [a] Defendant entered into only a single conspiracy agreement to commit multiple crimes, you may consider all the evidence [that I have admitted with regard to Count \_\_\_\_\_ and Defendant[s] [\_\_\_\_\_, and \_\_\_\_\_]<sup>3</sup>] and the totality of the circumstances.

**USE NOTES**

1. Use when the evidence indicates the defendant participated in more than one conspiracy agreement. If not supported, UJI 14-2810 NMRA should be given instead.

2. Use applicable alternative.

3. Use when the Court has limited evidence regarding a particular count and/or defendant. See UJIs 14-5007, 14-5008 NMRA.

[Adopted by Supreme Court Order No. 18-8300-012, effective for all cases pending or filed on or after December 31, 2018.]