

14-6019. Special verdict; tampering with evidence.¹

Do you unanimously find beyond a reasonable doubt that _____
(*name of defendant*) committed tampering with evidence related to
[_____ (*identify underlying crime(s)*)] [or]
[_____ (*identify underlying crime(s) for which defendant was on
probation or parole*)]²?

_____ (Yes or No)

FOREPERSON

USE NOTES

1. Give these instructions after UJI 14-2241 NMRA. Forms of verdict must be separately submitted to the jury for each category (penalty level) of crime for which tampering with evidence is alleged to have been committed for the sentencing court to determine the permissible range of punishment under NMSA 1978, Section 30-22-5(B).

2. Do not leave blank for the jury to complete. Insert the name of the offense (or multiple offenses within a penalty category under Section 30-22-5(B)). If a violation for probation or parole is at issue, the instruction must identify the underlying offense(s) for which the defendant was serving probation or parole. *See State v. Radosevich*, 2018-NMSC-028, ¶ 31, 419 P. 3d 176. *Accord* UJI 14-2241 NMRA, Use Note 4. This may include submitting a form of verdict to the jury that states “a crime or violation which cannot be determined.” *See Radosevich*, 2018-NMSC-028, ¶ 29 (“[I]ndeterminate tampering” must be limited to the penalties “prescribed in the statute for the lowest level of tampering, which are currently the petty misdemeanor penalties of Section 30-22-5(B)(3).”).

[Adopted by Supreme Court Order No. 13-8300-043, effective for all cases pending or filed on or after December 31, 2013; as amended by Supreme Court Order No. 19-8300-016, effective for all cases pending or filed on or after December 31, 2019.]