

14-203. Act greatly dangerous to life; essential elements.

The defendant is charged with first-degree murder by an act greatly dangerous to the lives of others indicating a depraved mind without regard for human life. For you to find the defendant guilty [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. The defendant _____ (*describe act of defendant*);
2. The defendant=s act caused² the death of _____ (*name of victim*);
3. The act of the defendant was greatly dangerous to the lives of others, indicating a depraved mind without regard for human life;
4. The defendant knew that the act was greatly dangerous to the lives of others;
5. This happened in New Mexico on or about the _____ day of _____, _____.

A person acts with a depraved mind by intentionally engaging in outrageously reckless conduct with a depraved kind of wantonness or total indifference for the value of human life. Mere negligence or recklessness is not enough. In addition, the defendant must have a corrupt, perverted, or malicious state of mind, such as when a person acts with ill will, hatred, spite, or evil intent. Whether a person acted with a depraved mind may be inferred from all the facts and circumstances of the case.

USE NOTES

1. Insert the count number if more than one count is charged.
2. UJI 14-251 NMRA must also be used if causation is in issue.

[As amended by Supreme Court Order No. 08-8300-060, effective February 2, 2009; as amended by Supreme Court Order No. 19-8300-016, effective for all cases pending or filed on or after December 31, 2019.]