

**14-1630. Burglary; essential elements.**

For you to find the defendant guilty of burglary [as charged in Count \_\_\_\_\_],<sup>1</sup> the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant entered a [vehicle] [watercraft] [aircraft] [dwelling] [or] [other structure] without authorization; [the least intrusion constitutes an entry];<sup>3</sup>
2. The defendant entered the [vehicle] [watercraft] [aircraft] [dwelling] [or] [other structure] with the intent to commit [a theft] [or] [\_\_\_\_\_]<sup>4</sup> (*name of felony*) when inside;
3. 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. If the charge is burglary of a dwelling house, UJI 14-1631 NMRA should be given.
3. Use bracketed phrase if entry is in issue.
4. It is not necessary to instruct on the elements of the theft. If intent to commit a felony is alleged, the essential elements of the felony must be given if not separately instructed. To instruct on the elements of an uncharged offense, UJI 14-140 NMRA must be used.

[As amended, effective August 1, 2001; as amended by Supreme Court Order No. 20-8300-004, effective for all cases pending or filed on or after December 31, 2020.]