

14-201. Willful and deliberate murder; essential elements.

For you to find the defendant guilty of first degree murder by a deliberate killing [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 killed _____ (*name of victim*);
2. The killing was with the deliberate intention to take away the life of _____ (*name of victim*) [or any other human being]²;
3. This happened in New Mexico on or about the _____ day of _____, _____.

A deliberate intention refers to the state of mind of the defendant. A deliberate intention may be inferred from all of the facts and circumstances of the killing. The word deliberate means arrived at or determined upon as a result of careful thought and the weighing of the consideration for and against the proposed course of action. A calculated judgment and decision may be arrived at in a short period of time. A mere unconsidered and rash impulse, even though it includes an intent to kill, is not a deliberate intention to kill. To constitute a deliberate killing, the slayer must weigh and consider the question of killing and his reasons for and against such a choice.³

USE NOTES

1. Insert the count number if more than one count is charged.
2. Use the bracketed phrase if the evidence shows that the defendant had a deliberate design to kill someone but not necessarily the victim.
3. If the jury is to be instructed on more than one degree of homicide, UJI 14-250 must also be given.