**14-240B. Homicide by vehicle; driving under the influence; essential elements.**

For you to find the defendant guilty of causing death by driving under the influence [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 operated a motor vehicle2

[while under the influence of intoxicating liquor3;]4

[while under the influence of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a drug5;]

2. The defendant’s driving while under the influence of [liquor]4 [or] [drugs] caused6 the death of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of victim*);

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 they are in issue, *see* Section 66-1-4.11 NMSA 1978, for the definition of a motor vehicle and UJIs 14-4511 and 14-4512 for definitions of “operating” and “actual physical control.”

3. UJI 14-243 NMRA, the definition of under the influence of intoxicating liquor, must be given if this element is given.

4. Use only applicable alternative or alternatives.

5. UJI 14-245 NMRA, the definition of under the influence of a drug, must be given if this element is given.

6. If causation is in issue, UJI 14-251 NMRA, the definition of causation, must be given.

[Adopted by Supreme Court Order No. 17-8300-012, effective for all cases pending or filed on or after December 31, 2017.]