

**14-2810. Conspiracy; single or multiple objectives; essential elements.**

For you to find the defendant guilty of conspiracy to commit \_\_\_\_\_<sup>1</sup> [or \_\_\_\_\_ [or \_\_\_\_\_]],<sup>2</sup> [as charged in Count \_\_\_\_\_],<sup>3</sup> the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant and another person by words or acts agreed together to commit \_\_\_\_\_;<sup>1</sup> [or \_\_\_\_\_ [or \_\_\_\_\_]];<sup>2</sup>

[2. That other person was not a state or federal agent acting in the agent's official capacity at the time];<sup>4</sup>

[3. The conspiracy alleged in this Count must be separate, distinct, and not a continuation of Count \_\_\_\_\_];<sup>5</sup>

4. The defendant and the other person intended to commit \_\_\_\_\_<sup>1</sup> [or \_\_\_\_\_ [or \_\_\_\_\_]];<sup>2</sup>

5. This happened in New Mexico on or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**USE NOTES**

1. For a conspiracy with a single objective, insert the name of the felony. Unless the court has instructed on the essential elements of the named felony, give the essential elements of the named felony, other than venue, immediately after this instruction.

2. For a conspiracy to commit multiple felonies, insert the names of the felonies in the alternative. Unless the court has instructed on the essential elements of the named felonies, give the essential elements of the named felonies, other than venue, immediately after this instruction. To instruct on the elements of an uncharged offense, UJI 14-140 NMRA must be used. Where the state charges multiple objectives, the jury must unanimously agree about which of the named felonies, if any, was the object of the conspiracy and the unanimity and special verdict instructions, UJI 14-2810A NMRA and UJI 14-6019B NMRA, must be given.

3. Insert the count number if more than one count is charged.

4. Insert bracketed language if the co-conspirator's status as a governmental agent is an issue.

5. Insert bracketed language if multiple conspiracy counts are charged and identify all other conspiracy counts. UJI 14-2810B NMRA must also be given.

[As amended by Supreme Court Order No. 18-8300-012, effective for all cases pending or filed on or after December 31, 2018; as amended by Supreme Court Order No. 20-8300-004, effective for all cases pending or filed on or after December 31, 2020.]