

14-1701. Arson; with purpose of destroying or damaging property; essential elements.

For you to find the defendant guilty of arson [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 intentionally or maliciously [started a fire] [or] [caused an explosion];²
2. The defendant did so with the intent to destroy or damage _____ (*identify property*), which belonged to another;
3. The defendant caused over \$ _____³ in damage to the property;
and
4. 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. Use applicable bracketed phrase.
3. If the charge is a second degree felony (over \$20,000), use "\$20,000" in the blank. If the charge is a third degree felony (over \$2,500), use "\$2,500" in the blank. If the charge is a fourth degree felony (over \$500), use "\$500" in the blank. If the charge is a misdemeanor (over \$250), use "\$250" in the blank.
[As amended by Supreme Court Order No. 10-8300-039, effective December 31, 2010; as amended by Supreme Court Order No. 20-8300-004, effective for all cases pending or filed on or after December 31, 2020.]