**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.]