**14-2250. Assault by a prisoner; essential elements.**

 For you to find the defendant guilty of assault by a prisoner [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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*describe act, threat or menacing conduct*);

 2. This caused \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of officer, employee or visitor*)2 to believe he was about to be killed or to receive great bodily harm3;

 3. A reasonable person in the same circumstances would have had the same belief;

 4. At the time, the defendant was confined at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_4;

 5. 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 there is a question of fact as to whether victim was an officer, employee or visitor, a special instruction must be drafted.

 3. The definition of "great bodily harm," UJI 14-131, must also be given.

 4. Identify the place of custody or confinement.