**14-623. Child abuse resulting in death; intentional act; child under 12; essential elements.**

For you to find \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of defendant*) guilty of intentional child abuse resulting in death of a child under twelve (12) years of age, [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. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of defendant*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*describe conduct or course of conduct alleged to have been child abuse*).

2. By engaging in the conduct described in Paragraph 1, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of defendant*) caused \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of child*)

[to be placed in a situation that endangered the life or health of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of child*);]2

[OR]

[to be exposed to inclement weather;]

[OR]

[to be [tortured ] [or] [cruelly confined] [or] [cruelly punished]]

3. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of defendant*) acted intentionally3 [and without justification];4

4. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of defendant*)s conduct resulted in the death of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of child*);

5. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of child*) was under the age of twelve (12);

6. 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 only applicable alternative or alternatives.

3. The definition of “intentionally,” UJI 14-626 NMRA, must also be given with this instruction.

4. If “justification” is an issue, this bracketed alternative must be given if requested.

[Adopted by Supreme Court Order No. 15-8300-001, effective for all cases filed or pending on or after April 3, 2015; as amended by Supreme Court Order No. 18-8300-012, effective for all cases pending or filed on or after December 31, 2018.]