

14-340A. Shooting at dwelling or occupied building; resulting in injury; essential elements.

For you to find the defendant guilty of causing injury by shooting at a [dwelling]¹ [occupied building] [as charged in Count _____]², the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant willfully shot a firearm at [a dwelling³]¹ [an occupied building];
2. The defendant knew that the building was [a dwelling]¹ [occupied];
3. The defendant caused injury to _____ (*name of victim*);
- [4. The defendant was not a law enforcement officer engaged in the lawful performance of duty;]⁴
5. This happened in New Mexico on or about the _____ day of _____, _____.⁵

USE NOTES

1. Use only applicable alternative or alternatives.
 2. Insert the count number if more than one count is charged.
 3. If this alternative is given, UJI 14-1631 NMRA, the definition of dwelling, must be given. When used with this instruction, UJI 14-1631 NMRA should be modified to delete the word "house."
 4. This element may be given if there is an issue as to whether or not the defendant was a law enforcement officer engaged in the lawful enforcement of duty.
 5. UJI 14-141 NMRA, general criminal intent, must be given after this instruction.
- [Adopted by Supreme Court Order No. 14-8300-005, effective for all cases filed or pending on or after December 31, 2014.]