

14-340. Shooting at inhabited dwelling or occupied building; no death or great bodily harm; essential elements.

For you to find the defendant guilty of shooting at an [inhabited dwelling¹]² [occupied building] [as charged in Count _____]³, 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 dwelling]² [an occupied building];
2. The defendant knew that the building was [a dwelling]² [occupied];
- [3. The defendant was not a law enforcement officer engaged in the lawful performance of duty;]⁴
4. This happened in New Mexico on or about the _____ day of _____, _____.⁵

USE NOTES

1. 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".
 2. Use only applicable alternative or alternatives.
 3. Insert the count number if more than one count is charged.
 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.
- [14-316 SCRA 1986, adopted, effective March 15, 1995.]