

14-342. Shooting at or from a motor vehicle; no injury; essential elements.

For you to find the defendant guilty of shooting [at]¹ [from] a motor vehicle [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]¹ [from] a motor vehicle with reckless disregard³ for another person;
- [2. The defendant was not a law enforcement officer engaged in the lawful performance of duty;]⁴
3. 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. A definition of "reckless disregard" must be given after this instruction. The definition of "reckless disregard" in UJI 14-1704 NMRA, "negligent arson", should be modified by substituting the term "with reckless disregard" for the word "recklessly".
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, effective January 1, 1996.]