

14-9003. Children's court; sample instruction.

Burglary; essential elements.

For you to find the child committed the delinquent act of burglary [as charged in Count _____]¹, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the act:

1. The child entered a [vehicle] [watercraft] [aircraft] [dwelling] [or] [other structure] without authorization [the least intrusion constitutes an entry;]³

2. The child entered the [vehicle] [watercraft] [aircraft] [dwelling] [or] [other structure] with the intent to commit [a theft] [or] [_____ (name of felony)]⁴, once inside;

3. 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 the charge is burglary of a dwelling house, UJI 14-1631 should be given.
3. Use bracketed phrase if entry is in issue.
4. It is not necessary to instruct on the elements of the theft. If intent to commit a felony is alleged, the essential elements of the felony must be given. [As amended, effective August 1, 2001.]