

14-344. Shooting at or from motor vehicle; resulting in great bodily harm; essential elements.

For you to find the defendant guilty of shooting [at] [from]¹ a motor vehicle resulting in great bodily harm [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 shooting caused great bodily harm⁴ to _____
(*name of victim*);
- [3. The defendant was not a law enforcement officer engaged in the lawful performance of duty;]⁵
4. This happened in New Mexico on or about the _____ day of _____, _____.⁶

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. The definition of "great bodily harm", UJI 14-131 NMRA, must also be given.
5. 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.
6. UJI 14-141 NMRA, general criminal intent, must be given after this instruction.

[Adopted, effective January 1, 1996.]