

**14-6002A. Necessarily included offense; deliberations.<sup>1</sup>**

You have been instructed on the crimes of \_\_\_\_\_  
(*greater/greatest offense*), [\_\_\_\_\_ (*next lower offense(s)*),<sup>2</sup> and  
\_\_\_\_\_ (*lowest offense*), as charged [in Count \_\_\_\_\_].<sup>3</sup> It is up to  
you, the jury, to choose the manner and order in which you *deliberate* on the crimes  
charged [in that count].<sup>3</sup> However, to *return a verdict*, you must follow the procedure  
described in the next instruction.<sup>4</sup>

USE NOTES

1. This instruction should be given immediately after the instructions containing the elements of the offenses charged in the count.
  2. The instruction is drafted to accommodate three levels of the offense: “greatest,” “next lower,” and “lowest,” but can be modified to account for any number of lesser-included offenses following the same procedure. The offenses should be identified by the names used in the elements instruction for that offense.
  3. If there is more than one count, identify the count charged.
  4. UJI 14-6002B NMRA should be given immediately after this instruction.
- [Adopted by Supreme Court Order No. 20-8300-004, effective for all cases pending or filed on or after December 31, 2020.]