

**13-209. Hypothetical question.**

An expert witness is permitted to state an opinion based upon a question which, for the purposes of trial, assumes as true certain facts which may or may not be true. It will be for you in your deliberations, however, to determine from all of the evidence whether or not the facts assumed have been proved to be true.

USE NOTES

The court should give this instruction so the jury may understand the purpose of the hypothetical question. When given, this instruction would usually follow UJI 13-213 NMRA.

[As amended, effective January 1, 1987; March 1, 2005.]