

14-135. “Use” of a deadly weapon; defined.

“Use” of a deadly weapon during an assault means the following:

1. A deadly weapon was present at some point during the encounter;
2. _____ (*name of victim*) knew, or based on the defendant’s words or actions, _____ (*name of victim*) had reason to know that the defendant had a deadly weapon; and
3. The defendant intentionally used the presence of the weapon to facilitate the assault.

USE NOTES

Use with UJI 14-305 NMRA, UJI 14-306 NMRA, UJI 14-355 NMRA, UJI 14-356 NMRA, UJI 14-375 NMRA, UJI 14-376 NMRA, UJI 14-2202 NMRA, and UJI 14-2203 NMRA.

[Adopted by Supreme Court Order No. S-1-RCR-2023-00030, effective for all cases pending or filed on or after December 31, 2023.]