**14-341. Shooting at dwelling or occupied building; resulting in death or great bodily harm; essential elements.**

For you to find the defendant guilty of causing [death] [or] [great bodily harm]1 by shooting at a [dwelling]1 [occupied building] [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 [a dwelling3]1 [an occupied building];

2. The defendant knew that the building was [a dwelling]1 [occupied];

3. The defendant caused4 [the death of]1 [or] [great bodily harm to5] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of victim*);

[4. The defendant was not a law enforcement officer engaged in the lawful performance of duty;]6

5. This happened in New Mexico on or about the \_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_.7

USE NOTES

1. Use only applicable alternative or alternatives.

2. Insert the count number if more than one count is charged.

3. If this alternative is given, UJI 14-1631 NMRA, the definition of dwelling, must be given. When used with this instruction, UJI 14-1631 NMRA should be modified to delete the word "house".

4. If causation is in issue, UJI 14-251 NMRA, the definition of causation, must also be given.

5. If this alternative is given, the definition of "great bodily harm", UJI 14-131 NMRA, must also be given.

6. 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.

7. UJI 14-141 NMRA, general criminal intent, must be given after this instruction.

[14-317 SCRA 1986, adopted, effective March 15, 1995.]