

14-6013. Special verdict; use of a firearm.

If you find the defendant guilty of _____, then you must determine if the [crime was]¹ [crimes were] committed [with the use of a firearm]² [while brandishing a firearm] [while discharging a firearm] and report your determination.

["Use" of a firearm means: A firearm was present at some point during the encounter. _____ (*name of victim*) knew, or based on the defendant's words or actions, had reason to know that the defendant had a firearm. The defendant intentionally used the presence of the firearm to facilitate the commission of the crime.]¹

["Brandished" means: Displaying or making a firearm known to _____ (*name of victim*) while the firearm is present on the person of the defendant with intent to intimidate or injure another person.]

["Discharged" means: A firearm was present and expelled a projectile by the action of an explosion.]

You must complete the special form to indicate your finding. [With respect to any crime,]³ for you to make a finding of "yes," the state must prove to your satisfaction beyond a reasonable doubt that the crime was committed [with the use of a firearm] [while brandishing a firearm] [while discharging a firearm]².

USE NOTES

1. Use the applicable bracketed alternative.
2. Use the applicable bracketed alternative.
 - a. Use the first alternative, "with the use of a firearm," for all noncapital felony crimes committed on or before June 30, 2020, and for crimes committed on or after May 18, 2022, if the firearm was used in the commission of a drug transaction, an aggravated burglary under Section 30-16-4 NMSA 1978, or a serious violent offense under Section 33-2-34(L)(4)(a) through (n) NMSA 1978.
 - b. The second alternative, "while brandishing a firearm," may be used for all noncapital felony crimes committed on or after July 1, 2020.
 - c. The third alternative, "while discharging a firearm," may be used for all noncapital felony crimes committed on or after May 18, 2022.
3. Use the bracketed phrase if more than one crime was committed.
4. Use a separate special verdict form from UJI 14-6014 NMRA for each crime being enhanced and for each applicable alternative.
[As amended by Supreme Court Order No. S-1-RCR-2024-00105, effective for all cases pending or filed on or after December 31, 2024.]