**14-340A. Shooting at dwelling or occupied building; resulting in injury; essential elements.**

 For you to find the defendant guilty of causing injury 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 caused injury to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of victim*);

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

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

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. 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.

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

[Adopted by Supreme Court Order No. 14-8300-005, effective for all cases filed or pending on or after December 31, 2014.]