**14-344. Shooting at or from motor vehicle; resulting in great bodily harm; essential elements.**

For you to find the defendant guilty of shooting [at] [from]1 a motor vehicle resulting in great bodily harm [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]1 [from] a motor vehicle with reckless disregard3 for another person;

2. The shooting caused great bodily harm4 to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of victim*);

[3. The defendant was not a law enforcement officer engaged in the lawful performance of duty;]5

4. This happened in New Mexico on or about the \_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ , \_\_\_\_\_\_\_\_.6

USE NOTES

1. Use only applicable alternative or alternatives.

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

3. A definition of "reckless disregard" must be given after this instruction. The definition of "reckless disregard" in UJI 14-1704 NMRA, "negligent arson", should be modified by substituting the term "with reckless disregard" for the word "recklessly".

4. The definition of "great bodily harm", UJI 14-131 NMRA, must also be given.

5. 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.

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

[Adopted, effective January 1, 1996.]