

**PROPOSED REVISIONS TO THE UNIFORM JURY INSTRUCTIONS - CRIMINAL
PROPOSAL 2021-024**

March 17, 2020

The Uniform Jury Instructions – Criminal Committee has recommended amendments to UJI 14-331 and 14-333 NMCRA for the Supreme Court's consideration.

If you would like to comment on the proposed amendments set forth below before the Court takes final action, you may do so by either submitting a comment electronically through the Supreme Court's web site at <https://supremecourt.nmcourts.gov/open-for-comment.aspx>, or sending your written comments by mail, email, or fax to:

Josy D. Mayra, Clerk
New Mexico Supreme Court
P.O. Box 848
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nmsupremecourtclerk@nmcourts.gov
505-827-4837 (fax)

Your comments must be received by the Clerk on or before April 16, 2021, to be considered by the Court. Please note that any submitted comments may be posted on the Supreme Court's web site for public viewing.

14-331. Stalking; essential elements.

For you to find the defendant guilty of stalking [as charged in Count _____]¹, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant intentionally pursued a pattern of conduct that would cause a reasonable person to feel frightened, intimidated or threatened on more than one occasion by²

_____ (a) following _____ (name of victim) in a place other than the residence of the defendant;

_____ (b) placing _____ (name of victim) under surveillance by being present outside _____'s (name of victim) [school] [residence] [workplace] [vehicle]

or [_____ (a place frequented by _____ (name of victim))] other than the defendant's residence³; (or)

_____ (c) harassing _____ (name of victim);⁴

2. The defendant intended

_____ (a) place _____ (name of victim) in reasonable apprehension of [death] [bodily harm] [sexual assault] [confinement or restraint]; (c)

_____ (or)

_____ (b) cause a reasonable person to fear for the person's safety or the safety of a household member⁵;

3. This happened in New Mexico on or about the _____ day of _____

Sixth Circuit Pattern Jury Instructions

Padhraic Smyth

A red circular graphic with a gradient, appearing as a partial circle or a thick arc, located to the right of the author's name.

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