

**PROPOSED REVISIONS TO THE UNIFORM JURY INSTRUCTIONS-CRIMINAL
PROPOSAL 2025-016**

March 6, 2025

The Uniform Jury Instructions-Criminal Committee has recommended amendments to UJIs 14-6003 and 14-6005 NMRA 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 website at <https://supremecourt.nmcourts.gov/rules-forms-files/rules-forms/open-for-comment/> or sending your written comments by mail, email, or fax to:

Elizabeth A. Garcia, Chief Clerk of Court
New Mexico Supreme Court
P.O. Box 848
Santa Fe, New Mexico 87504-0848
rules.supremecourt@nmcourts.gov
505-827-4837 (fax)

Your comments must be received by the Clerk on or before April 5, 2025, to be considered by the Court. Please note that any submitted comments may be posted on the Supreme Court's website for public viewing.

14-6003. Multiple defendants; consider each separately.¹

[In this case, involving multiple defendants charged with different offenses, the following defendants are charged with the following crimes:

Defendant _____ (*first defendant's name*) is charged with _____ (*list first defendant's crimes*);

Defendant _____ (*second defendant's name*) is charged with _____ (*list second defendant's crimes*).]²

[OR]

[In this case, [both]³ [all] defendants are charged with the same crimes.]

[~~you~~] You must consider separately whether each [of the [two]³ [~~several~~] defendants] defendant is guilty or not guilty. You should analyze what the evidence in the case shows with respect to each individual defendant separately. [~~Even if you cannot agree upon a verdict as to one [or more] of the defendants [or charges], you must return the verdict upon which you agree.~~]

The state must prove beyond a reasonable doubt each element of each count against each defendant. Your verdict for any one defendant or count, whether it is guilty or not guilty, should not influence your verdict for any other defendants or counts.

USE NOTES

2. Use the applicable alternative. Use the first alternative if any of the charges against the defendants are different. If additional defendants are on trial, add lines for each defendant's name and applicable crime or crimes. Use the second alternative if all of the charges against all defendants are the same.

Committee commentary. — ~~[This instruction was derived from California Jury Instructions Criminal, 17.00, and Devitt & Blackmar, Federal Jury Practice and Instructions, Section 17.04.] UJI 14-6003 NMRA is not appropriate for multiple-defendant trials involving conspiracy charges. The second sentence of this instruction directs the jury to “analyze . . . the evidence . . . with respect to each individual defendant separately,” which conflicts with the rule that the acts and declarations of a conspirator may be the acts and declarations of all of the members of the conspiracy. Accordingly, if a multiple-defendant trial involves conspiracy allegations, UJI 14-2812 NMRA should be used instead.~~

[WITHDRAWN]

~~Each crime charged in the [indictment] [information] should be considered separately as to each defendant charged with that crime.~~

~~If charge of felony murder and the underlying felony are submitted, this instruction is not to be given. If there are charges other than the felony murder and underlying felony, this instruction may be modified or not submitted.]~~

~~[Committee commentary.— This instruction was derived from Devitt & Blackmar, Federal Jury Practice and Instructions, Section 17.03.]~~

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**No Comments
Received**