

**PROPOSED REVISIONS TO THE UNIFORM JURY INSTRUCTIONS-CRIMINAL  
PROPOSAL 2025-018**

**March 6, 2025**

The Uniform Jury Instructions-Criminal Committee has recommended amendments to UJI 14-626 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.

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**UJI 14-626. Intentionally, defined for crimes against children.<sup>1</sup>**

To find that the defendant [acted intentionally<sup>[1]2]</sup><sup>[2]3</sup> [intentionally left or abandoned the child<sup>[3]4]</sup> you must find that it was the defendant's conscious objective to [leave or abandon]<sup>[2]3</sup> [endanger] [torture, cruelly confine, or cruelly punish] [or] [expose to the inclemency of the weather] the child.

**USE NOTES**

1. This instruction is to be given with child abuse and abandonment cases when required by UJIs 14-606, 14-607 and 14-623 NMRA. UJI 14-141 NMRA, general criminal intent, shall not be given in intentional child abuse and abandonment cases.

2.[1] This phrase tracks Element 3 in UJI 14-623 NMRA.

3.[2] Choose applicable alternative or alternatives.

4.[3] This phrase tracks the language in UJIs 14-606 and 14-607 NMRA for crimes of abandonment.

[Adopted by Supreme Court Order No. 18-8300-012, effective for all cases pending or filed on or after December 31, 2018.]

**Committee commentary.** - *See State v. Granillo*, 2016-NMCA-094, 1J 17, 384 P.3d 1121. Where Granillo interpreted the meaning of "intentional" in NMSA 1978, Section 30-6-1 (2009), this definition should be given in cases charged under that statute that require an intentional mens rea. This includes child abandonment cases instructing with UJI 14-606 and 14-607 NMRA, if at issue,

as well as intentional child abuse. The committee notes that UJI 14-623 NMRA (intentional abuse resulting in death) is the only elements instruction specific to an intentional theory of child abuse. Because the penalty for all other forms of child abuse is the same whether committed recklessly or intentionally, all other child abuse instructions were drafted in terms of recklessness. Nevertheless, under the statute, it is possible to commit any form of child abuse either recklessly or intentionally. This definition instruction would be applicable to any intentional abuse charge.

[Adopted by Supreme Court Order No. 18-8300-012, effective for all cases pending or filed on or after December 31, 2018.]

**No Comments  
Received**