

1 **14-2250. Assault by a prisoner; essential elements.**

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

5 1. The defendant _____ (*describe act, threat, or menacing conduct*);

6 2. This caused _____ (*name of officer, employee, or visitor*)² to
7 believe [~~he~~] _____ (*name of officer, employee, or visitor*) was about to be killed
8 or to receive great bodily harm³;

9 3. A reasonable person in the same circumstances would have had the same belief;

10 4. At the time, the defendant was confined at _____⁴;

11 5. This happened in New Mexico on or about the _____ day of
12 _____, _____.

13 USE NOTES

14 1. Insert the count number if more than one count is charged.

15 2. If there is a question of fact [~~as to~~] about whether victim was an officer, employee,
16 or visitor, a special instruction must be drafted.

17 3. The definition of [~~"great bodily harm,"~~] "great bodily harm," UJI 14-131 NMRA,
18 must also be given.

19 4. Identify the place of custody or confinement.

20 [As amended by Supreme Court Order No. S-1-RCR-2025-00126, effective for all cases pending
21 or filed on or after December 31, 2025.]

22 **Committee commentary.** — See Section 30-22-17A NMSA 1978. This crime, one of four
23 different crimes designated as an assault by a prisoner, is in effect an assault by threat or menacing

- 1 conduct putting one in apprehension of receiving an aggravated battery. Compare with UJI 14-305
- 2 and 14-323.