14-5050. Opinion testimony.

You should consider each opinion received in evidence in this case and give it such weight as you think it deserves. If you should conclude that the reasons given in support of the opinion are not sound or that for any other reason an opinion is not correct, you may disregard the opinion entirely.

USE NOTES

Upon request, this instruction may be given whenever an expert has testified or when a [~~layman~~] layperson has been allowed to state an opinion.

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

Committee commentary. — The language of this instruction was derived from Devitt & Blackmar, Federal Jury Practice and Instructions, Section 11.27.

Under Rules 11-701 and 11-702 NMRA, both lay witnesses and experts may give opinions under certain conditions. In addition, Rule 11-405A NMRA permits testimony in the form of an opinion on the question of character or a trait of character. Furthermore, under Rule 11-704 NMRA, testimony in the form of an opinion is not objectionable merely because it embraces an ultimate issue to be decided by the jury. Compare UJI 13-213 and 13-715. Because opinion evidence is admissible, this instruction is used to caution the jury that an opinion need not be accepted as conclusive. *See, e.g., State v. Holden,* 85 N.M. 397, 512 P.2d 970 (Ct. App.), *cert. denied,* 85 N.M. 380, 512 P.2d 953 (1973).