

1 **14-5060. Presumption of innocence; reasonable doubt; burden of proof.**

2 The law presumes the defendant to be innocent unless and until you are satisfied beyond a
3 reasonable doubt of [~~his~~] the defendant's guilt.

4 The burden is always on the state to prove guilt beyond a reasonable doubt. It is not required
5 that the state prove guilt beyond all possible doubt. The test is one of reasonable doubt. A
6 reasonable doubt is a doubt based upon reason and common sense - the kind of doubt that would
7 make a reasonable person hesitate to act in the graver and more important affairs of life.

8 USE NOTES

9 This instruction must be given in all cases.

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

12 **Committee commentary.** — The language of this instruction was derived from Devitt &
13 Blackmar, Federal Jury Practice and Instructions, Section 11.01 (1970), and *State v. Ellison*, 19
14 N.M. 428, 144 P. 10 (1914). *See also State v. Rodriguez*, 23 N.M. 156, 167 P. 426, 1918A L.R.A.
15 1016 (1917).

16 Because of the importance of the presumption of innocence and the need to find guilt beyond a
17 reasonable doubt, this instruction is required in all cases. It repeats some of the explanation given
18 the jury at the outset of the trial in UJI 14-101.

19 It is generally accepted that the reasonable doubt instruction will cover a multitude of problems.
20 For example, an instruction on the danger of eyewitness testimony is not necessary where the jury
21 is given this instruction and UJI 14-5020, Credibility of witnesses. *See State v. Mazurek*, 88 N.M.
22 56, 537 P.2d 51 (Ct. App. 1975).