

1 **14-5184. Defense of another; deadly force by defendant.**<sup>1</sup>

2 An issue in this case is whether the defendant acted while defending another person.

3 The defendant acted in defense of another if

4 1. There was an appearance of immediate danger of death or great bodily harm<sup>2</sup> to  
5 \_\_\_\_\_<sup>3</sup> as a result of \_\_\_\_\_<sup>4</sup>; and

6 2. The defendant believed that \_\_\_\_\_<sup>3</sup> was in immediate danger of  
7 death or great bodily harm from \_\_\_\_\_ (*name of victim*) and  
8 \_\_\_\_\_<sup>5</sup> to prevent the death or great bodily harm; and

9 3. The apparent danger to \_\_\_\_\_<sup>3</sup> would have caused a reasonable  
10 person in the same circumstances to act as the defendant did.

11 The burden is on the state to prove beyond a reasonable doubt that the defendant did not  
12 act in defense of \_\_\_\_\_<sup>3</sup>. If you have a reasonable doubt as to whether the  
13 defendant acted in defense of another, you must find the defendant not guilty.

14 USE NOTES

15 1. For use in nonhomicide cases when the defense theory is based on a reasonable  
16 ground to believe a design exists to commit a felony; a reasonable ground to believe a design exists  
17 to do great bodily harm; or a defense of spouse or other member of the family, a necessary defense  
18 against any unlawful action. If this instruction is given, add to the essential elements instruction  
19 for the offense charged, [“]“The defendant did not act in defense of \_\_\_\_\_ [“]”<sup>3</sup>.

20 2. The definition of “great bodily harm,” UJI 14-131 NMRA, must be given if not  
21 already given.

22 3. Give the name of the person in apparent danger, if known, and the relationship to  
23 defendant, if any. More than one person may be included.

1           4.       Describe the unlawful act, felony, or act which would result in death or some great  
2       bodily harm as established by the evidence. Give at least enough detail to put the act in the context  
3       of the evidence.

4           5.       Describe the act of defendant, [~~e.g.~~] e.g., [“]“struck [~~Richard~~] Roe,[“]” [“]“choked  
5       [~~Richard~~] Roe.[“]”

6       [As amended, effective January 1, 1997; as amended by Supreme Court Order No. 18-8300-012,  
7       effective for all cases pending or filed on or after December 31, 2018; as amended by Supreme  
8       Court Order No. S-1-RCR-2025-00126, effective for all cases pending or filed on or after  
9       December 31, 2025.]