

1 **14-5191A. First aggressor; exceptions to the limitation on self defense.**¹

2 If you find beyond a reasonable doubt that the defendant was the first aggressor, you must
3 then decide whether [the following exception applies]² [any of the following exceptions apply]. If
4 [the exception applies]² [one of these exceptions apply], _____ (*name of victim*)
5 became the aggressor, and the defendant is no longer the first aggressor.

6 [1. The defendant was using force which would not ordinarily create a substantial risk
7 of death or great bodily harm; and

8 2. _____ (*name of victim*) responded with force which would
9 ordinarily create a substantial risk of death or great bodily harm]²;

10 [OR]

11 [1. The defendant tried to stop the fight;

12 2. The defendant let _____ (*name of victim*) know [~~he~~] the defendant
13 no longer wanted to fight; and

14 3. _____ (*name of victim*) continued to fight the defendant.]

15 If the state proves beyond a reasonable doubt that _____ (*name of victim*) did
16 not become the aggressor, the defendant is still the aggressor and cannot claim self defense. If after
17 deliberation you find that _____ (*name of victim*) became the aggressor, you should
18 proceed to decide whether the defendant acted in self defense.

19 USE NOTES

20 1. This instruction must be given in conjunction with UJI 14-5191 NMRA in all self-
21 defense cases in which there is an issue regarding whether a first aggressor regained the right to
22 claim self defense because the victim became the aggressor.

23 2. Use applicable bracketed alternative or alternatives.

1 [Adopted by Supreme Court Order No. 19-8300-016, effective for all cases pending or filed on or
2 after December 31, 2019; as amended by Supreme Court Order No. S-1-RCR-2025-00126,
3 effective for all cases pending or filed on or after December 31, 2025.]

4 **Committee commentary.** — *See* committee commentary to UJI 14-5191 NMRA.

5 [Adopted by Supreme Court Order No. 19-8300-016, effective for all cases pending or filed on or
6 after December 31, 2019.]