

1 **14-626. Intentionally, defined for crimes against children.<sup>1</sup>**

2 To find that the defendant [acted intentionally<sup>[1]</sup>]~~[-2]~~<sup>3</sup> [intentionally left or abandoned the  
3 child~~[-3]~~<sup>4</sup>] you must find that it was the defendant's conscious objective to [leave or  
4 abandon]~~[-2]~~<sup>3</sup>[endanger] [torture, cruelly confine, or cruelly punish] [or] [expose to the inclemency  
5 of the weather] the child.

6 USE NOTES

7 1. This instruction is to be given with child abuse and abandonment cases when  
8 required by UJIs 14-606, 14-607, and 14-623 NMRA. UJI 14-141 NMRA, general criminal intent,  
9 shall not be given in intentional child abuse and abandonment cases.

10 [~~1.~~] 2. This phrase tracks Element 3 in UJI 14-623 [~~NMRA~~].

11 [~~2.~~] 3. Choose applicable alternative or alternatives.

12 [~~3.~~] 4. This phrase tracks the language in UJIs 14-606 and 14-607 [~~NMRA~~] for crimes of  
13 abandonment.

14 [Adopted by Supreme Court Order No. 18-8300-012, effective for all cases pending or filed on or  
15 after December 31, 2018; as amended by Supreme Court Order No. S-1-RCR-2024-00091,  
16 effective for all cases pending or filed on or after December 31, 2025.]

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18 **Committee commentary.** — *See State v. Granillo*, 2016-NMCA-094, ¶ 17, 384 P.3d  
19 1121. Where *Granillo* interpreted the meaning of "intentional" in NMSA 1978, Section 30-6-  
20 1 (2009), this definition should be given in cases charged under that statute that require an  
21 intentional mens rea. This includes child abandonment cases instructing with UJI 14-606 and 14-  
22 607 NMRA, if at issue, as well as intentional child abuse. The committee notes that UJI 14-  
23 623 NMRA (intentional abuse resulting in death) is the only elements instruction specific to an

1 intentional theory of child abuse. Because the penalty for all other forms of child abuse is the same  
2 whether committed recklessly or intentionally, all other child abuse instructions were drafted in  
3 terms of recklessness. Nevertheless, under the statute, it is possible to commit any form of child  
4 abuse either recklessly or intentionally. This definition instruction would be applicable to any  
5 intentional abuse charge.