

1 **14-6002A. Necessarily included offense; deliberations.**¹

2 You have been instructed on the crimes of _____ (*greater/greatest offense*),
3 [_____ (*next lower offense(s)*),² and _____ (*lowest offense*), as charged [in
4 Count _____].³ It is up to you, the jury, to choose the manner and order in which you
5 *deliberate* on the crimes charged [in that count].³ However, to *return a verdict*, you must follow
6 the procedure described in the next instruction.⁴

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USE NOTES

9 1. This instruction should be given immediately after the instructions containing the
10 elements of the offenses charged in the count.

11 2. The instruction is drafted to accommodate three levels of the offense: “greatest,”
12 “next lower,” and “lowest,” but can be modified to account for any number of lesser-included
13 offenses following the same procedure. The offenses should be identified by the names used in
14 the elements instruction for that offense.

15 3. If there is more than one count, identify the count charged.

16 4. UJI 14-6002B NMRA should be given immediately after this instruction.

17 [Adopted by Supreme Court Order No. 20-8300-004, effective for all cases pending or filed on
18 or after December 31, 2020.]

19 **Committee Commentary.** – *See* Commentary for UJI 14-6002B NMRA.

20 [Adopted by Supreme Court Order No. 20-8300-004, effective for all cases pending or filed on
21 or after December 31, 2020.]