

[WITHDRAWN]

1 ~~14-5105. Voluntary intoxication.~~

2 ~~———— Evidence has been presented that the defendant was intoxicated from use of [alcohol]~~
3 ~~[drugs]. An act committed by a person while voluntarily intoxicated is no less criminal~~
4 ~~because of his condition. If the evidence shows that the defendant was voluntarily~~
5 ~~intoxicated when allegedly he committed the crime[s] of _____, that fact is~~
6 ~~not a defense.~~

7 USE NOTE

8 ~~———— No instruction on this subject shall be given. (See Instructions 14-5110 and 14-5111~~
9 ~~for special instructions for specific intent crimes.)~~

10 [Withdrawn by Supreme Court Order No. 19-8300-016, effective December 31, 2019.]

11 ~~———— **Committee commentary.** — Under New Mexico law, the defense of voluntary~~
12 ~~intoxication depends upon whether the crime is characterized as a general intent crime or one~~
13 ~~characterized as a specific intent crime. If the crime is a specific intent crime, the defense~~
14 ~~is available to negate the so-called specific intent.~~

15 ~~———— The UJI instructions cover the defense for the specific intent crimes. UJI 14-5110 is~~
16 ~~used for a willful and deliberate first degree murder where intoxication can negate the~~
17 ~~deliberate intention to take away the life of another person. For nonhomicide crimes, UJI~~
18 ~~14-5111 is used where intoxication can negate the element of intent to do a further act or~~
19 ~~achieve a further consequence.~~

20 ~~———— Prior to the adoption of these instructions, it was a common practice to advise the~~

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1 jury that intoxication was not a defense to a general intent crime. The committee believed
2 that the better practice would be to not give an instruction for those crimes. In the event that
3 one of the crimes being considered by the jury is a specific intent crime, UJI 14-5110 or
4 14-5111 will limit the defense to that crime. If there is no specific intent crime, and evidence
5 of voluntary intoxication is admitted on some issue other than intent, the committee believed
6 the instruction would be misleading.

7 [Withdrawn by Supreme Court Order No. 19-8300-016, effective December 31, 2019.]