

1 **14-7016. [~~Death penalty sentencing~~]Life imprisonment without possibility of release or**  
2 **parole proceeding; aggravating circumstances; murder in the commission of criminal sexual**  
3 **contact of a minor; essential elements.**

4 The state has charged the aggravating circumstance of murder in the in [the commission  
5 of]<sup>[2]</sup> [an attempt to commit]<sup>2</sup> criminal sexual contact of a minor. Before you may find the  
6 aggravating circumstance of murder in in [the commission of]<sup>[2]</sup> [an attempt to commit]<sup>2</sup> criminal  
7 sexual contact of a minor, you must find that the state has proved to your satisfaction beyond a  
8 reasonable doubt each of the following elements:

9 1. [The crime of]<sup>[2]</sup> [an attempt to commit]<sup>2</sup> criminal sexual contact of a minor was  
10 committed;

11 2. \_\_\_\_\_ (*name of victim*) was murdered while  
12 \_\_\_\_\_ (*name of defendant*) was [committing]<sup>[2]</sup> [or] [attempting to commit]<sup>2</sup>  
13 criminal sexual contact of a minor; and

14 3. The defendant had the intent to kill.

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16 USE NOTES

17 1. This instruction is to be used only in a [~~death penalty sentencing~~] life imprisonment  
18 without possibility of release or parole proceeding.

19 2. Use applicable alternative.

20 3. The court shall give the applicable essential elements instruction modified in the  
21 manner illustrated by UJI 14-140 NMRA, [~~“Underlying felony offense; sample~~  
22 ~~instruction”~~]Elements of uncharged crimes. Instructions required to be given with the essential  
23 elements instruction, including definitions, must also be given.

- 1 [As amended, effective August 1, 2001; as amended by Supreme Court Order No. 21-8300-008,
- 2 effective for all cases pending or filed on or after December 31, 2021.]