

1 **14-7032. ~~[Death penalty sentencing]~~ Life imprisonment without possibility of release or**  
2 **parole proceeding; sample form of findings; aggravating circumstance findings.<sup>1</sup>**

3 *(style of case)*

4 ~~[You cannot consider the penalty to be imposed unless you have found that [the]<sup>2</sup> [an]<sup>3</sup>~~  
5 ~~aggravating circumstance has been proven beyond a reasonable doubt.]~~

6 Sign only one of the following findings as to the aggravating circumstance of  
7 \_\_\_\_\_ *(insert the aggravating circumstance)*. You must complete a form  
8 for each aggravating circumstance. ~~[If you signed Finding Number 1, as to any aggravating~~  
9 ~~circumstance, then consider the penalty. If not, return to the courtroom.]~~

10 **Finding Number 1.** We unanimously find beyond a reasonable doubt the aggravating  
11 circumstance of \_\_\_\_\_ *(set forth the aggravating circumstance)*.

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FOREPERSON

12 **Finding Number 2.** We unanimously find the aggravating circumstance of  
13 \_\_\_\_\_ *(set forth the aggravating circumstance)* has not been  
14 proven beyond a reasonable doubt.

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FOREPERSON

15 **Finding Number 3.** We are unable to reach an agreement as to the aggravating  
16 circumstance of \_\_\_\_\_ *(set forth the aggravating circumstance)*.

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FOREPERSON

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USE NOTES

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2 1. This instruction is to be given immediately after UJI 14-7027 NMRA. This  
3 instruction is for use only in ~~[death penalty sentencing]~~ life imprisonment without possibility of  
4 release or parole proceedings. The court is to set forth only one aggravating circumstance on this  
5 form prior to submission to the jury. A separate form is to be submitted for each aggravating  
6 circumstance to be submitted to the jury. ~~[The jury is to be given both this instruction and UJI 14-~~  
7 ~~7033 when they retire to deliberate.~~

8 2. ~~Use this alternative if only one aggravating circumstance is given.~~

9 3. ~~Use this alternative if more than one aggravating circumstance is given.]~~

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

12 **Committee commentary.** — ~~[Section 31-20A-2 NMSA 1978]~~ NMSA 1978, § 31-20A-2 (2009)  
13 establishes the procedure to be followed by the jury in determining the sentence to be imposed and  
14 requires a finding beyond a reasonable doubt of an aggravating circumstance before a sentence of  
15 life imprisonment without possibility of release or parole may be imposed. This instruction is the  
16 form to be used by the jury to indicate whether an aggravating circumstance charged was found,  
17 ~~[, and if so, whether the defendant should be sentenced to death or life imprisonment.~~

18 ~~If an aggravating circumstance is not found, it is not necessary for the foreperson to~~  
19 ~~complete the verdict portion of the form since there would be no decision to be made as to whether~~  
20 ~~or not to impose the death penalty.~~

21 ~~The warning on the form is to prevent any jury from imposing the death penalty without~~  
22 ~~finding an aggravating circumstance.]~~

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