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1 **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

Court of Appeals of New Mexico

2 **STATE OF NEW MEXICO,**

Filed 4/13/2026 8:38 AM

3 Plaintiff-Appellee,



Mark Reynolds

4 v.

**No. A-1-CA-42885**

5 **JACOB WESLEY HAMLETT,**

6 Defendant-Appellant.

7 **APPEAL FROM THE DISTRICT COURT OF LEA COUNTY**

8 **Mark Sanchez, District Court Judge**

9 Raúl Torrez, Attorney General

10 Santa Fe, NM

11 for Appellee

12 Bennett J. Baur, Chief Public Defender

13 Santa Fe, NM

14 Steven J. Forsberg, Assistant Appellate Defender

15 Albuquerque, NM

16 for Appellant

17 **MEMORANDUM OPINION**

18 **MEDINA, Chief Judge.**

19 {1} This matter was submitted to the Court on the brief in chief pursuant to this  
20 Court's general calendar notice with a modified briefing schedule. Having  
21 considered the brief in chief, concluding the briefing submitted to the Court provides  
22 no possibility for reversal, and determining that this case is appropriate for resolution  
23 on Track 1 as defined in the Administrative Order for Appeals in Criminal Cases

1 from the Second, Eleventh, and Twelfth Judicial District Courts in *In re Pilot Project*  
2 *for Criminal Appeals*, No. 2022-002, effective November 1, 2022, we affirm.

3 {2} Following a jury trial, Defendant appeals his convictions. Shortly after having  
4 been accused of the crimes at issue in this case, Defendant attempted to commit  
5 suicide and left a note. [BIC 1] Defendant’s suicide attempt and corresponding note  
6 were admitted at trial. [BIC 2] On appeal, Defendant does not argue that the attempt  
7 and note were erroneously admitted. [BIC 2] Instead, the sole issue raised by  
8 Defendant is that the jury should have been instructed on how to handle the suicide  
9 evidence. [BIC 2] We understand Defendant to assert that the jury should have been  
10 instructed as follows:

11       The jury should be instructed that it first must find that an actual suicide  
12 attempt had occurred. It should then consider whether that attempt was  
13 made to avoid the burdens of prosecution and punishment. The jury  
14 should also determine whether [D]efendant’s attempted suicide  
15 demonstrated consciousness of guilt. The trial court should instruct the  
16 jury that if it credits any alternative explanation offered by [D]efendant,  
17 it may not infer consciousness of guilt from the evidence of a suicide  
18 attempt.

19 [BIC 8]

20 {3} Defendant’s counsel did not request any such special suicide attempt  
21 instruction. [BIC 1] We therefore review for fundamental error. *State v. Benally*,  
22 2001-NMSC-033, ¶ 12, 131 N.M. 258, 34 P.3d 1134. “The doctrine of fundamental  
23 error applies only under exceptional circumstances and only to prevent a miscarriage  
24 of justice.” *State v. Barber*, 2004-NMSC-019, ¶ 8, 135 N.M. 621, 92 P.3d 633.

1 {4} We first determine whether Defendant would have been entitled to a special  
2 suicide attempt instruction if he had requested it. *See id.* ¶ 9. To argue that he was  
3 entitled to a special instruction, Defendant relies solely on a case from New Jersey  
4 that analogized a suicide attempt to flight. [BIC 8-9] In line with that analogy, the  
5 special suicide instruction that Defendant claims he is entitled to uses similar  
6 language to UJI 14-5030 NMRA, related to flight. [BIC 8] *See id.* (“The flight of a  
7 person immediately after the commission of a crime, or after the person has been  
8 accused of a crime that has been committed, is not sufficient in itself to establish  
9 guilt, but is a fact which, if proved, may be considered by you in the light of all other  
10 proved facts in deciding the question of the person’s guilt or innocence. Whether or  
11 not defendant’s conduct amounted to flight, and if it did, whether or not it shows a  
12 consciousness of guilt, and the significance to be attached to any such evidence, are  
13 matters exclusively for you to decide.”).

14 {5} Defendant’s brief in chief concedes that New Jersey “has [a] somewhat  
15 different instructional jurisprudence.” [BIC 8] One such difference is that in New  
16 Jersey an instruction on a permissible inference of consciousness of guilt flowing  
17 from flight is appropriate under certain circumstances. *See State v. Mann*, 625 A.2d  
18 1102, 1107 (N.J. 1993). Although New Mexico does have a uniform jury instruction  
19 pertaining to evidence of flight, *see* UJI 14-5030, the use note to that instruction  
20 states that “[n]o instruction on this subject shall be given.” The committee

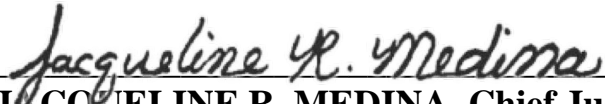
1 commentary to UJI 14-5030 further explains the committee’s belief “that the  
2 instruction would constitute a comment on the evidence and that the matter was  
3 better left to argument of counsel.” While the committee commentary is not binding,  
4 use notes are adopted by the Supreme Court and binding on district courts. *See*  
5 *Barber*, 2004-NMSC-019, ¶ 10 n.1; *State v. Stalter*, 2023-NMCA-054, ¶ 10, 534  
6 P.3d 989. As a result, we are not persuaded by Defendant’s reliance on New Jersey  
7 case law that, after equating attempted suicide to flight, concluded the trial court  
8 should instruct the jury on the proper use of evidence relating to a defendant’s  
9 attempted suicide. [BIC 8-9]

10 {6} In New Mexico, equating an attempted suicide to flight does not require a  
11 special instruction. *See* UJI 14-5030 use note. Accordingly, we conclude that  
12 Defendant has not established that he would have been entitled to a special suicide  
13 attempt instruction if he had requested it. *See Barber*, 2004-NMSC-019, ¶ 9; *see also*  
14 *State v. Aragon*, 1999-NMCA-060, ¶ 10, 127 N.M. 393, 981 P.2d 1211 (explaining  
15 that it is defendant’s appellate burden to demonstrate any claimed error). We  
16 therefore conclude that Defendant’s convictions were not the result of fundamental  
17 error. *See Barber*, 2004-NMSC-019, ¶ 9 (noting that fundamental error does not  
18 occur when the omission of a jury instruction would not have confused or  
19 misdirected a reasonable juror or otherwise failed to provide the jury with an

1 accurate statement of the relevant law). We emphasize that our holding is limited to  
2 the narrow scope of this appeal and the argument raised herein.

3 {7} For the reasons stated above, we affirm Defendant's conviction.

4 {8} **IT IS SO ORDERED.**

5   
6 **JACQUELINE R. MEDINA, Chief Judge**

7 **WE CONCUR:**

8   
9 **JENNIFER L. ATTREP, Judge**

10   
11 **GERALD E. BACA, Judge**