

14-914. Criminal sexual contact; deadly weapon; essential elements.

For you to find the defendant guilty of criminal sexual contact when armed with a deadly weapon [as charged in Count _____]¹, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant
[touched or applied force to the unclothed _____² of
_____ (*name of victim*) without _____'s (*name of victim*)
consent;]³

[OR]
[caused _____ (*name of victim*) to touch the _____² of the
defendant;]

2. The defendant was armed with and used a [_____] ⁴
[_____ (*name of object*) with the intent to use it as a weapon and a
_____ (*name of object*) when used as a weapon, is capable of
inflicting death or great bodily harm⁵];⁶

[3. The defendant's act was unlawful;]⁷

4. _____ (*name of victim*) was eighteen (18) years of
age or older;

5. This happened in New Mexico on or about the _____ day of
_____, _____.

USE NOTES

1. Insert the count number if more than one count is charged.

2. Name one or more of the following parts of the anatomy touched: "groin," "anus," "buttocks," "breast," "mons pubis," "penis," "testicles," "mons veneris," or "vulva." When definitions are provided in UJI 14-981 NMRA, they must be given after this instruction; otherwise, no definition need be given unless the jury requests one.

3. Use only the applicable alternative or alternatives.

4. Insert the name of the weapon. Use this alternative only if the deadly weapon is specifically listed in NMSA 1978, Section 30-1-12(B).

5. UJI 14-131 NMRA, the definition of "great bodily harm," must also be given.

6. This alternative is given only if the object used is not specifically listed in Section 30-1-12(B).

7. Use the bracketed element if the evidence raises a genuine issue of the unlawfulness of the defendant's actions. If this element is given, UJI 14-132 NMRA, "unlawful defined," must be given after this instruction.

[As amended, effective September 1, 1994; January 20, 2005; as amended by Supreme Court Order No. 18-8300-012, effective for all cases pending or filed on or after December 31, 2018.]