

**14-903. Criminal sexual contact; threats of force or coercion; essential elements.**

For you to find the defendant guilty of criminal sexual contact [as charged in Count \_\_\_\_\_]<sup>1</sup>, 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 \_\_\_\_\_<sup>2</sup> of  
\_\_\_\_\_ (*name of victim*) without \_\_\_\_\_'s (*name of victim*) consent;]<sup>3</sup>  
[OR]  
[caused \_\_\_\_\_ (*name of victim*) to touch the \_\_\_\_\_<sup>2</sup>  
of the defendant;]
2. The defendant  
[used threats of physical force or physical violence against  
\_\_\_\_\_] (*name of victim or other person*);]<sup>3</sup>  
[OR]  
[threatened to \_\_\_\_\_<sup>4</sup>;]
3. \_\_\_\_\_ (*name of victim*) believed that the defendant  
would carry out the threat;
4. The defendant's act was unlawful;]<sup>5</sup>
5. \_\_\_\_\_ (*name of victim*) was eighteen (18) years of  
age or older;
6. 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. Describe threats used against the victim or another in layman's language. See Section 30-9-10(A)(3) NMSA 1978 for examples of types of threats.
  5. 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.]