

**14-301. Assault; attempted battery; essential elements.**

For you to find the defendant guilty of assault [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 intended to commit the crime of battery against \_\_\_\_\_ (*name of victim*) by \_\_\_\_\_<sup>2</sup>;

A battery consists of intentionally touching or applying force in a rude, insolent, or angry manner<sup>3</sup>.

2. The defendant began to do an act which constituted a substantial part of the battery but failed to commit the battery;

3. 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. Use ordinary language to describe the touching or application of force.
3. If the “unlawfulness” of the act is in issue, add unlawfulness as an element as provided by Use Note 1 of UJI 14-132. In addition, UJI 14-132 is given. If the issue of “lawfulness” involves self-defense or defense of another, see UJI 14-5181 to UJI 14-5184.

[Adopted effective October 1, 1976; UJI Criminal Rule 3.00 NMSA 1978; UJI 14-301 SCRA; as amended, effective January 15, 1998; as amended by Supreme Court Order No. 16-8300-008, effective for all cases pending or filed on or after December 31, 2016.]