

**14-323. Aggravated battery; great bodily harm; essential elements.**

For you to find the defendant guilty of aggravated battery with great bodily harm [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 \_\_\_\_\_ (*name of victim*) by \_\_\_\_\_<sup>2</sup>;
2. The defendant intended<sup>3</sup> to injure \_\_\_\_\_ (*name of victim*) [or another]<sup>4</sup>;
3. The defendant [caused great bodily harm<sup>5</sup> to \_\_\_\_\_ (*name of victim*)] [or]<sup>6</sup> [acted in a way that would likely result in death or great bodily harm<sup>5</sup> to \_\_\_\_\_ (*name of victim*)];
4. This happened in New Mexico on or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**USE NOTE**

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 NMRA. In addition, UJI 14-132 NMRA is given. If the issue of "lawfulness" involves self defense or defense of another, see UJI 14-5181 NMRA to UJI 14-5184 .
  4. Use this bracketed phrase if the intent was directed generally or at someone other than the ultimate victim.
  5. The definition of great bodily harm, UJI 14-131 NMRA, must also be given.
  6. Use only the applicable bracketed element established by the evidence.
- [Adopted effective October 1, 1976; UJI Criminal Rule 3.53 NMSA 1978; UJI 14-323 SCRA; as amended, effective January 15, 1998.]