

14-391. Aggravated battery; without great bodily harm; “household member”; essential elements.

For you to find the defendant guilty of aggravated battery without great bodily harm against a household member [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 _____ (*name of victim*) by _____²;
2. The defendant intended³ to injure _____ (*name of victim*) [or another]⁴;
3. The defendant caused _____ (*name of victim*) [painful temporary disfigurement] [OR]⁵ [a temporary loss or an impairment of the use of _____ (*name of organ or member of the body*)];
4. _____ (*name of victim*) was a household member of the defendant⁶;
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. 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 is given. If the issue of “lawfulness” involves self-defense or defense of another, see UJI 14-5181 NMRA to UJI 14-5184 NMRA.
4. Use this bracketed phrase if the intent was directed generally or at someone other than the ultimate victim.
5. Use only the applicable bracketed element established by the evidence.
6. Definition of a household member should be given, see UJI 14-370 NMRA.

[Adopted by Supreme Court Order No. 14-8300-005, effective for all cases filed or pending on or after December 31, 2014.]