

**14-392. Aggravated battery; with a deadly weapon; “household member”;
essential elements.**

For you to find the defendant guilty of aggravated battery with a deadly weapon 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 with a [_____]³ [deadly weapon. The defendant used a _____ (*name of instrument or object*). A _____ (*name of instrument or object*) is a deadly weapon only if you find that a _____ (*name of object*), when used as a weapon, could cause death or great bodily harm⁴]⁵;
2. The defendant intended⁶ to injure _____ (*name of victim*) [or another]⁷;
3. _____ (*name of victim*) was a household member of the defendant⁸;
4. 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. Insert the name of the weapon. Use this alternative only if the deadly weapon is specifically listed in NMSA 1978, Section 30-1-12B.
4. UJI 14-131 NMRA, the definition of “great bodily harm”, must also be given.
5. This alternative is given only if the object used is not specifically listed in Section 30-1-12B.
6. 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.
7. Use this bracketed phrase if the intent was directed generally or at someone other than the ultimate victim.
8. 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.]