

1 **14-2203. Aggravated assault on a peace officer; attempted battery or threat or menacing**
2 **conduct with a deadly weapon; essential elements.**¹

3 For you to find the defendant guilty of aggravated assault on a peace officer by use² of a
4 deadly weapon [as charged in Count _____]³, the state must prove to your
5 satisfaction beyond a reasonable doubt each of the following elements of the crime:

6 1. The defendant intended to commit the crime of battery against _____
7 (*name of peace officer*) by _____⁴;

8 A battery consists of intentionally touching or applying force in a rude, insolent, or angry
9 manner.⁵

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

12 OR

13 1. The defendant _____ (*describe unlawful act, threat or menacing*
14 *conduct*);

15 2. The defendant's conduct caused _____ (*name of peace officer*) to
16 believe the defendant was about to intrude on _____'s (*name of peace officer*)
17 bodily integrity or personal safety by touching or applying force to _____ (*name*
18 *of peace officer*) in a rude, insolent, or angry manner;

19 3. A reasonable person in the same circumstances as _____ (*name of*
20 *peace officer*) would have had the same belief;

21 AND

22 4. At the time, _____ (*name of peace officer*) was a peace officer and
23 was performing duties of a peace officer⁶;

1 state must prove “injury or conduct that threatens an officer’s safety or meaningfully challenges
2 ~~his or her~~their authority.” If any other issue of lawfulness is raised, add unlawfulness as an
3 element as provided by Use Note 1 of UJI 14-132 NMRA. In addition, UJI 14-132~~[NMRA]~~ is
4 given. If the issue of “lawfulness” involves self-defense or defense of another, *see* ~~[UJI]~~ UJIs 14-
5 5181 to ~~[UJI]~~14-5184 NMRA.

6 6. “Peace officer” is defined in Subsection C of NMSA 1978, Section 30-1-12~~[NMSA~~
7 ~~1978]~~. If there is an issue about whether or not the victim was a peace officer, give UJI 14-2216
8 NMRA, which defines “peace officer.” If there is an issue about whether the officer was within
9 the lawful discharge of the officer’s duties, an instruction may need to be drafted. The mistake of
10 fact referred to in prior UJI 14-2216 ~~[NMRA]~~ has been incorporated into this instruction as an
11 element. If some other mistake of fact is raised as a defense, *see* UJI 14-5120 NMRA.

12 7. Use only applicable alternative or alternatives.

13 8. Insert the name of the weapon. Use this alternative only if the deadly weapon is
14 specifically listed in Section 30-1-12(B)~~[NMSA 1978]~~.

15 9. UJI 14-131 NMRA, the definition of “great bodily harm,” must also be given.

16 10. This alternative is given only if the object used is not specifically listed in Section
17 30-1-12(B)~~[NMSA 1978]~~.

18 [Adopted, effective October 1, 1976; UJI Criminal Rule 22.02 NMSA 1978; UJI 14-2203 SCRA;
19 as amended, effective January 15, 1998; February 1, 2000; as amended by Supreme Court Order
20 No. 10-8300-039, effective December 31, 2010; as amended by Supreme Court Order No. 16-
21 8300-008, effective for all cases pending or filed on or after December 31, 2016; as amended by
22 Supreme Court Order No. 21-8300-031, effective for all cases pending or filed on or after
23 December 31, 2021; as amended by Supreme Court Order No. S-1-RCR-2023-00030, effective

1 for all cases pending or filed on or after December 31, 2023; as amended by Supreme Court Order
2 No. S-1-RCR-2025-00126, effective for all cases pending or filed on or after December 31, 2025.]
3 **Committee commentary.** — *See* committee commentary for UJI 14-2201 NMRA. This
4 instruction was amended in 2010 to be consistent with *State v. Nozie*, 2009-NMSC-018, 146 N.M.
5 142, 207 P.3d 1119.
6 [As amended by Supreme Court Order No. 10-8300-039, effective December 31, 2010.]