

1 **14-307. Aggravated assault in disguise; essential elements.**

2 For you to find the defendant guilty of aggravated assault in disguise [as charged in Count
3 _____],¹ the state must prove to your satisfaction beyond a reasonable doubt each of the
4 following elements of the crime:

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

7 2. The defendant's conduct caused _____ (*name of victim*) to believe
8 the defendant was about to intrude on _____'s (*name of victim*) bodily integrity or
9 personal safety by touching or applying force to _____ (*name of victim*) in a rude,
10 insolent or angry manner;²

11 3. A reasonable person in the same circumstances as _____ (*name of*
12 *victim*) would have had the same belief;

13 4. At the time _____ (*name of defendant*) was [wearing a
14 _____]³ [or]⁴ [disguised] for the purpose of concealing _____'s
15 (*name of defendant*) identity;

16 5. This happened in New Mexico on or about the _____ day of
17 _____, _____.

18 USE NOTES

19 1. Insert the count number if more than one count is charged.

20 2. If the "unlawfulness" of the act is in issue, add unlawfulness as an element as
21 provided by Use Note 1 of UJI 14-132 NMRA. In addition, UJI 14-132 is given. If the issue of
22 "lawfulness" involves self-defense or defense of another, *see* UJI 14-5181 to UJI 14-5184 NMRA.

23 3. Identify the mask, hood, robe or other covering upon the face, head or body.

1 4. Use either or both alternatives.

2 [Adopted effective October 1, 1976; UJI Criminal Rule 3.06 NMSA 1978; UJI 14-307

3 ~~[SCRA]~~NMRA; as amended, effective January 15, 1998; as amended by Supreme Court Order

4 No. S-1-RCR-2025-00126, effective for all cases pending or filed on or after December 31, 2025.]

5 **Committee commentary.** — *See* NMSA 1978, Section 30-3-2(B)~~[NMSA 1978]~~. The committee

6 believed that an assault in disguise would of necessity be the threat or menacing conduct type

7 which gives a reasonable person the belief that ~~[he is]~~ they are about to receive a battery. No New

8 Mexico cases interpreting this particular type of assault were found by the committee's reporter.

9 [As amended by Supreme Court Order No. S-1-RCR-2025-00126.]