

1 **14-928. Criminal sexual contact of a minor in the third degree; threats of force or coercion;**
2 **personal injury; essential elements.**

3 For you to find the defendant guilty of criminal sexual contact of a minor causing personal
4 injury [as charged in Count _____]¹, the state must prove to your satisfaction beyond a reasonable
5 doubt each of the following elements of the crime:

6 1. The defendant
7 [touched or applied force to the _____² of _____ (*name of victim*);]³

8 [OR]

9 [caused _____ (*name of victim*) to touch the _____² of the defendant;]

10 2. The defendant

11 [used threats of physical force or physical violence against _____ (*name of*
12 *victim or other person*);]³

13 [OR]

14 [threatened to _____⁴;

15 3. _____ (*name of victim*) believed the defendant would carry out
16 the threat;

17 4. The defendant's acts resulted in _____⁵;

18 5. _____ (*name of victim*) was at least thirteen (13) but less than
19 eighteen (18) years old;

20 [6. The defendant's act was unlawful;]⁶

21 7. This happened in New Mexico on or about the ____ day of _____,
22 _____.

23 USE NOTES

- 1 1. Insert the count number if more than one count is charged.
- 2 2. Name one or more of the following parts of the anatomy touched: "buttocks,"
3 "breast," "groin," "anus," "mons pubis," "penis," "testicles," "mons veneris," or "vulva." When
4 definitions are provided in UJI 14-981 NMRA, they must be given after this instruction; otherwise,
5 no definition need be given unless the jury requests one.
- 6 3. Use only the applicable alternative or alternatives.
- 7 4. Describe threats used against the victim or another in [~~layman's~~] layperson's
8 language. *See* NMSA 1978, [~~Section~~] § 30-9-10 (A)(3) (2005) for examples of types of threats.
- 9 5. Name victim and describe personal injury or injuries. *See* [~~Section~~]§ 30-9-10(D)
10 for types of personal injuries.
- 11 6. Use the bracketed element if the evidence raises a genuine issue of the unlawfulness
12 of the defendant's actions. If this element is given, UJI 14-132 NMRA, "unlawful defined," must
13 be given after this instruction.
- 14 [As amended, effective January 20, 2005; as amended by Supreme Court Order No. 18-8300-012,
15 effective for all cases pending or filed on or after December 31, 2018; as amended by Supreme
16 Court Order No. S-1-RCR-2025-00126, effective for all cases pending or filed on or after
17 December 31, 2025.]
- 18 **Committee commentary.** — *See* committee commentary under UJI 14-927 NMRA.