

1 **14-932. Criminal sexual contact of a minor in the [third] [second] degree; threats of force or**
2 **coercion; aided or abetted by another; essential elements.**

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

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

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

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

14 [OR]
15 [threatened _____⁴;]

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

18 4. The defendant acted with the help or encouragement of one or more persons;

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

21 [6. The defendant's act was unlawful;]⁵

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

USE NOTES

- 1
- 2 1. Insert the count number if more than one count is charged.
- 3 2. Name one or more of the following parts of the anatomy touched: "buttocks,"
- 4 "breast," "groin," "anus," "mons pubis," "penis," "testicles," "mons veneris," or "vulva." When
- 5 definitions are provided in UJI 14-981 NMRA, they must be given after this instruction; otherwise,
- 6 no definition need be given unless the jury requests one.
- 7 3. Use only the applicable alternative or alternatives.
- 8 4. Describe threats used against the victim or another in [~~layman's~~] layperson's
- 9 language. *See* NMSA 1978, [~~Section~~] § 30-9-10(A)(3) (2005) for examples of types of threats.
- 10 5. Use the bracketed element if the evidence raises a genuine issue of the unlawfulness
- 11 of the defendant's actions. If this element is given, UJI 14-132 NMRA, "unlawful defined," must
- 12 be given after this instruction.
- 13 [As amended, effective January 20, 2005; as amended by Supreme Court Order No. 10-8300-039,
- 14 effective December 31, 2010; as amended by Supreme Court Order No. 18-8300-012, effective
- 15 for all cases pending or filed on or after December 31, 2018; as amended by Supreme Court Order
- 16 No. S-1-RCR-2025-00126, effective for all cases pending or filed on or after December 31, 2025.]
- 17 **Committee commentary.** — *See* committee commentary under UJI 14-931 NMRA.