

1 **14-942. Criminal sexual penetration in the third degree; threats of force or coercion;**  
2 **essential elements.**

3 For you to find the defendant guilty of criminal sexual penetration [as charged in Count  
4 \_\_\_\_\_]<sup>1</sup>, the state must prove to your satisfaction beyond a reasonable doubt each of  
5 the following elements of the crime:

6 1. The defendant<sup>2</sup>  
7 [caused \_\_\_\_\_ (*name of victim*) to engage in \_\_\_\_\_<sup>3</sup>;

8 [OR]

9 [caused the insertion, to any extent, of a \_\_\_\_\_<sup>4</sup> into the \_\_\_\_\_<sup>5</sup> of  
10 \_\_\_\_\_ (*name of victim*);]

11 2. The defendant<sup>2</sup>  
12 [caused \_\_\_\_\_ (*name of victim*) to engage in \_\_\_\_\_<sup>3</sup>  
13 through the use of threats of physical force or physical violence against \_\_\_\_\_ (*name*  
14 *of victim or other person*); ]

15 [OR]

16 [threatened to \_\_\_\_\_<sup>6</sup>;

17 3. \_\_\_\_\_ (*name of victim*) believed the defendant would carry out  
18 the threat;

19 [4. The defendant's act was unlawful;]<sup>7</sup>

20 5. This happened in New Mexico on or about the \_\_\_\_\_ day of  
21 \_\_\_\_\_, \_\_\_\_\_.

22 USE NOTES

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

- 1           2.     Use only the applicable alternatives.
- 2           3.     Name the sexual act or acts: i.e., "sexual intercourse", "anal intercourse",  
3 "cunnilingus" or "fellatio." The applicable definition or definitions from [~~Instruction~~] UJI 14-982  
4 NMRA must be given after this instruction.
- 5           4.     Identify the object used.
- 6           5.     Name the part or parts of the body: i.e., "vagina", "penis" or "anus." The applicable  
7 definition from [~~Instruction~~] UJI 14-981 NMRA must be given after this instruction.
- 8           6.     Describe threats used against the victim or another in [~~layman's~~] layperson's  
9 language. *See* [~~Section 30-9-10 (A)(3) NMSA 1978~~] NMSA 1978, § 30-9-10(A)(3) for examples  
10 of types of threats.
- 11          7.     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. S-1-RCR-  
15 2025-00126, effective for all cases pending or filed on or after December 31, 2025.]
- 16 A.     **Committee commentary.** — *See* committee commentary under UJI 14-941 NMRA.