

1 **14-947. Criminal sexual penetration in the second degree; threats of force or coercion;**
2 **personal injury; essential elements.**

3 For you to find the defendant guilty of criminal sexual penetration causing personal injury
4 [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 defendant²
7 [caused _____ (*name of victim*) to engage in _____³];
8 [OR]
9 [caused the insertion, to any extent, of a _____⁴ into the _____⁵ of
10 _____ (*name of victim*);]

11 2. The defendant
12 [used threats of physical force or physical violence against _____ (*name*
13 *of victim or other person*);]
14 [OR]
15 [threatened to _____⁶];

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

18 4. The defendant's acts resulted in _____⁷;
19 [5. The defendant's act was unlawful;]⁸

20 6. 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 or definitions 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. Name victim and describe personal injury or injuries. *See* [~~Section 30-9-10(C)~~
12 NMSA 1978] § 30-9-10(D) for types of personal injuries.
- 13 8. Use the bracketed element if the evidence raises a genuine issue of the unlawfulness
14 of the defendant's actions. If this element is given, UJI 14-132 NMRA, "unlawful defined", must
15 be given after this instruction.
- 16 [~~As amended, effective January 20, 2005; as amended by Supreme Court Order No. S-1-RCR-~~
17 2025-00126, effective for all cases pending or filed on or after December 31, 2025.]
- 18 **Committee commentary.** — *See* committee commentary under UJI 14-946 NMRA.