

1 **14-951. Criminal sexual penetration in the second degree; threats of force or coercion; aided**
2 **or abetted by another; essential elements.**

3 For you to find the defendant guilty of criminal sexual penetration when aided or abetted
4 by another [as charged in Count _____]¹, the state must prove to your satisfaction beyond a
5 reasonable 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
10 _____⁵ of _____ (*name of victim*);]

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

14 [OR]

15 [threatened to _____⁶;

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

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

19 [5. The defendant's act was unlawful;]⁷

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. 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 **Committee commentary.** — *See* committee commentary to UJI 14-950 NMRA.