

1 **14-953. Criminal sexual penetration in the second degree; force or coercion; aided or abetted**
2 **by another; essential elements.¹**

3 For you to find the defendant guilty of criminal sexual penetration when aided or abetted
4 by another [as charged in Count _____]², the state must prove to your satisfaction beyond a
5 reasonable doubt each of the following elements of the crime:

6 1. The defendant³
7 [caused _____ (*name of victim*) to engage in _____⁴];
8 [OR]
9 [caused the insertion, to any extent, of a _____⁵ into the _____⁶
10 of _____ (*name of victim*);]

11 2. [The defendant used physical force or physical violence;]³
12 [OR]
13 [The defendant (used threats of physical force or physical violence against
14 _____ (*name of victim or other person*)) (OR) (threatened to _____⁷);
15 AND _____ (*name of victim*) believed that the defendant would carry out the
16 threat;]

17 [OR]
18 [_____ was (unconscious)³ (asleep) (physically helpless) (suffering
19 from a mental condition so as to be incapable of understanding the nature or consequences of what
20 the defendant was doing); AND the defendant knew or had reason to know of the condition of
21 _____ (*name of victim*);]

22 3. The defendant acted with the help or encouragement of one or more persons;

23 [4. The defendant's act was unlawful;]⁸

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