

1 **14-956A. Criminal sexual penetration in the second degree; force or coercion; child 13 to 18;**
2 **essential elements.¹**

3 For you to find the defendant guilty of criminal sexual penetration in the second degree [as
4 charged in Count _____]², the state must prove to your satisfaction beyond a reasonable
5 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 of
10 _____ (*name of victim*);]

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

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

21 3. _____ (*name of victim*) was at least 13 but less than 18 years old;
22 [4. The defendant's act was unlawful;]⁸

