

1 **14-959. Criminal sexual penetration in the first degree; threats of force or coercion; great**
2 **bodily harm or great mental anguish; essential elements.**

3 For you to find the defendant guilty of criminal sexual penetration causing [great bodily
4 harm]¹ [great mental anguish] [as charged in Count _____]², the state must prove to your
5 satisfaction beyond a reasonable doubt each of the following elements of the crime:

6 1. The defendant¹

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*);]¹

14 [OR]

15 [threatened to _____⁶;

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

18 4. The defendant's acts resulted in [great bodily harm⁷]¹ [great mental anguish⁸] to
19 _____ (*name of victim*);

20 [5. The defendant's act was unlawful⁹;

21 6. This happened in New Mexico on or about the _____ day of
22 _____, _____.

23 USE NOTES

- 1 1. Use only the applicable alternatives.
- 2 2. Insert the count number if more than one count is charged.
- 3 3. Name the sexual act or acts: i.e., "sexual intercourse", "anal intercourse",
4 "cunnilingus" or "fellatio". The applicable definition or definitions from [~~Instruction~~] UJI 14-982
5 NMRA must be given after this instruction.
- 6 4. Identify the object used.
- 7 5. Name the part or parts of the body: i.e., "vagina", "penis" or "anus". The applicable
8 definition or definitions from [~~Instruction~~] UJI 14-981 NMRA must be given after this instruction.
- 9 6. Describe threats used against the victim or another in [~~layman's~~] layperson's
10 language. *See* [~~Section 30-9-10(A)(3) NMSA 1978~~] NMSA 1978, § 30-9-10(A)(3) for examples
11 of types of threats.
- 12 7. The definition of "great bodily harm", [~~Instruction~~] UJI 14-131 NMRA, must be
13 given after this instruction.
- 14 8. The definition of "great mental anguish", [~~Instruction~~] UJI 14-980 NMRA, must be
15 given after this instruction.
- 16 9. Use the bracketed element if the evidence raises a genuine issue of the unlawfulness
17 of the defendant's actions. If this element is given, UJI 14-132 NMRA, "unlawful defined", must
18 be given after this instruction.
- 19 [~~As amended, effective January 20, 2005; as amended by Supreme Court Order No. S-1-RCR-~~
20 2025-00126, effective for all cases pending or filed on or after December 31, 2025.]
- 21 **Committee commentary.** — *See* [~~committee commentary under UJI 14-958 NMRA~~] UJI 14-958
22 NMRA comm. cmt..
- 23 [~~As amended by Supreme Court Order No. S-1-RCR-2025-00126.~~]