

1 **14-970A. Aggravated indecent exposure; essential elements.**

2 For you to find the defendant guilty of aggravated indecent exposure [as charged in Count
3 _____]¹, the state must prove to your satisfaction beyond a reasonable doubt each
4 of the following elements of the crime:

5 1. The defendant knowingly and intentionally exposed [~~his~~ ~~her~~] the defendant's
6 _____² to public view in a lewd and lascivious manner;

7 2. The defendant did so with the intent to threaten or intimidate another person;

8 3. The defendant did so [before a child under the age of eighteen (18) years of age]
9 [while committing an assault] [while committing an aggravated assault] [while committing an
10 assault with intent to commit a violent felony] [while committing a battery] [while committing an
11 aggravated battery] [while committing criminal sexual penetration] or [while committing abuse of
12 a child]³;

13 4. This happened in New Mexico on or about the _____ day of
14 _____, _____.

15 USE NOTES

16 1. Insert the count number if more than one count is charged.

17 2. Name the part or parts of the anatomy exposed: i.e., “mons pubis,” “penis,”
18 “testicles,” “mons veneris,” “vulva” or “vagina.” The applicable definition or definitions from UJI
19 14-981 NMRA must be given after this instruction.

20 3. Use the applicable bracketed element(s). If element(s) other than “before a child
21 under eighteen (18) years of age” are used, the essential elements(s) for those offenses must also
22 be given unless given elsewhere as a substantive instruction. *See* UJI 14-140 NMRA.

1 [Adopted by Supreme Court Order No. 13-8300-023, effective for all cases pending or filed on or
2 after December 31, 2013; as amended by Supreme Court Order No. S-1-RCR-2025-00126,
3 effective for all cases pending or filed on or after December 31, 2025.]
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