

1 **14-1642. Extortion; essential elements.**

2 For you to find the defendant guilty of extortion [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. _____ (*name of defendant*) threatened

6 [to injure the person or property of _____ (*name of victim*) or
7 another]²

8 [to accuse _____ (*name of victim*) or another of a crime]

9 [to expose or imply the existence of a deformity or disgrace of
10 _____ (*name of victim*) or another]

11 [to expose any secret of _____ (*name of victim*) or another]

12 [to kidnap _____ (*name of victim*) or another]³,

13 intending to wrongfully⁴

14 [obtain anything of value from _____ (*name of victim*)]³⁵

15 [compel _____ (*name of victim*) to do something
16 _____ (*name of victim*) would not have done]

17 [compel _____ (*name of victim*) to refrain from doing something
18 _____ (*name of victim*) would have done];

19 2. This happened in New Mexico on or about the _____ day of
20 _____, _____.

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USE NOTES

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

1 2. Use applicable threatening acts.

2 3. ~~[Use the applicable element.]~~ If a threatened kidnapping is alleged, the essential
3 elements of kidnapping as determined in UJI 14-403A NMRA must be given if not separately
4 instructed. To instruct on the elements of an uncharged offense, UJI 14-140 NMRA must be used.

5 4. If there is a specific issue of wrongfulness of an act, a specific definition may need
6 to be prepared. ~~[See for example UJI Criminal 14-937, defining “unlawful” for purposes of~~
7 ~~criminal sexual contact of a minor.]~~

8 5. Use the applicable element.

9 [UJI Criminal 16.32; UJI 14-1642 SCRA 1986; UJI 14-1642 NMRA; as amended, effective July
10 1, 1998; as amended by Supreme Court Order No. 20-8300-004, effective for all cases pending or
11 filed on or after December 31, 2020.]

12 **Committee commentary.** — This instruction has been amended to add the term
13 “wrongfully” because of the line of cases such as *State v. Osborne*, 111 N.M. 654, 808 P.2d 624
14 (1991) and *State v. Parish*, 118 N.M. 39, 42, 878 P.2d 988, 991 (1994).