

1 **14-313. Aggravated assault; attempted battery; threat or menacing conduct with intent to**  
2 **commit a violent felony; essential elements.<sup>1</sup>**

3 For you to find the defendant guilty of aggravated assault with intent to [kill] [or]<sup>2</sup> [commit  
4 \_\_\_\_\_<sup>3</sup>] [as charged in Count \_\_\_\_\_]<sup>4</sup>, the state must prove to your satisfaction beyond  
5 a reasonable doubt each of the following elements of the crime:

6 1. The defendant intended to commit the crime of battery against \_\_\_\_\_ (*name*  
7 *of victim*) by \_\_\_\_\_<sup>5</sup>;

8 A battery consists of intentionally touching or applying force in a rude, insolent or angry  
9 manner<sup>6</sup>.

10 2. The defendant began to do an act which constituted a substantial part of the battery  
11 but failed to commit the battery;

12 OR

13 1. The defendant \_\_\_\_\_ (*describe unlawful act, threat or menacing conduct*);

14 2. The defendant's conduct caused \_\_\_\_\_ (*name of victim*) to believe the  
15 defendant was about to intrude on \_\_\_\_\_'s (*name of victim*) bodily integrity or personal  
16 safety by touching or applying force to \_\_\_\_\_ (*name of victim*) in a rude, insolent or angry  
17 manner<sup>6</sup>;

18 3. A reasonable person in the same circumstances as \_\_\_\_\_ (*name of victim*)  
19 would have had the same belief;

20 AND

21 4. The defendant also intended to [kill] [or]<sup>2</sup> [commit \_\_\_\_\_<sup>3</sup>] on \_\_\_\_\_  
22 (*name of victim*);



1 amended by Supreme Court Order No. 21-8300-025, effective for all cases pending or filed on or  
2 after December 31, 2021.]

3 **Committee commentary** – This instruction combines UJI 14-311 NMRA and UJI 14-312  
4 NMRA. *See* committee commentary for UJI 14-311 NMRA.

5 [As amended by Supreme Court Order No. 21-8300-025, effective for all cases pending or filed  
6 on or after December 31, 2021.]