

14-393. Aggravated battery; great bodily harm; “household member”; essential elements.

For you to find the defendant guilty of aggravated battery with great bodily harm against a household member [as charged in Count _____]¹, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant touched or applied force to _____ (*name of victim*) by _____²;
2. The defendant intended³ to injure _____ (*name of victim*) [or another]⁴;
3. The defendant [caused great bodily harm⁵ to _____ (*name of victim*)] [or]⁶ [acted in a way that would likely result in death or great bodily harm⁵ to _____ (*name of victim*)];
4. _____ (*name of victim*) was a household member of the defendant⁷;
5. This happened in New Mexico on or about the _____ day of _____, _____.

USE NOTES

1. Insert the count number if more than one count is charged.
2. Use ordinary language to describe the touching or application of force.
3. If the “unlawfulness” of the act is in issue, add unlawfulness as an element as provided by Use Note 1 of UJI 14-132 NMRA. In addition, UJI 14-132 is given. If the issue of “lawfulness” involves self defense or defense of another, see UJI 14-5181 NMRA to UJI 14-5184 NMRA.
4. Use this bracketed phrase if the intent was directed generally or at someone other than the ultimate victim.
5. The definition of great bodily harm, UJI 14-131 NMRA, must also be given.
6. Use only the applicable bracketed element established by the evidence.
7. Definition of a household member should be given, see UJI 14-370 NMRA.

[Adopted by Supreme Court Order No. 14-8300-005, effective for all cases filed or pending on or after December 31, 2014.]