

14-372. Assault; threat or menacing conduct; “household member”; essential elements.

For you to find the defendant guilty of assault 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 _____ (*describe unlawful act, threat, or menacing conduct*)²;
2. The defendant's conduct caused _____ (*name of victim*) to believe that the defendant was about to intrude on _____'s (*name of victim*) bodily integrity or personal safety by touching or applying force to _____ (*name of victim*) in a rude, insolent, or angry manner³;
3. A reasonable person in the same circumstances as _____ (*name of victim*) would have had the same belief;
4. _____ (*name of victim*) was a household member of the defendant⁴;
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. 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.]