

**14-307. Aggravated assault in disguise; essential elements.**

For you to find the defendant guilty of aggravated assault in disguise [as charged in Count \_\_\_\_\_]<sup>1</sup>, 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. The defendant's conduct caused \_\_\_\_\_ (*name of victim*) to believe 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 manner<sup>2</sup>;
3. A reasonable person in the same circumstances as \_\_\_\_\_ (*name of victim*) would have had the same belief;
4. At the time \_\_\_\_\_ (*name of defendant*) was [wearing a \_\_\_\_\_]<sup>3</sup> [or]<sup>4</sup> [disguised] for the purpose of concealing \_\_\_\_\_'s (*name of defendant*) identity;
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. If the "unlawfulness" of the act is in issue, add unlawfulness as an element as provided by Use Note 1 of UJI 14-132. In addition, UJI 14-132 is given. If the issue of "lawfulness" involves self-defense or defense of another, see UJI 14-5181 to UJI 14-5184.
  3. Identify the mask, hood, robe or other covering upon the face, head or body.
  4. Use either or both alternatives.
- [Adopted effective October 1, 1976; UJI Criminal Rule 3.06 NMSA 1978; UJI 14-307 SCRA; as amended, effective January 15, 1998.]