

**14-910. Criminal sexual contact; use of physical force or physical violence; aided or abetted by another; essential elements.**

For you to find the defendant guilty of criminal sexual contact when aided or abetted by another [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  
[touched or applied force to the unclothed \_\_\_\_\_<sup>2</sup> of  
\_\_\_\_\_ (*name of victim*) without \_\_\_\_\_'s (*name of  
victim*) consent;]<sup>3</sup>  
[OR]  
[caused \_\_\_\_\_ (*name of victim*) to touch the \_\_\_\_\_<sup>2</sup> of  
the defendant;]
2. The defendant used physical force or physical violence;
3. The defendant acted with the help or encouragement of one or more  
persons;
4. The defendant's act was unlawful;]<sup>4</sup>
5. \_\_\_\_\_ (*name of victim*) was eighteen (18) years of age or  
older;
6. 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. Name one or more of the following parts of the anatomy touched: "groin," "anus," "buttocks," "breast," "mons pubis," "penis," "testicles," "mons veneris," or "vulva." When definitions are provided in UJI 14-981 NMRA, they must be given after this instruction; otherwise, no definition need be given unless the jury requests one.
3. Use only the applicable alternative or alternatives.
4. Use the bracketed element if the evidence raises a genuine issue of the unlawfulness of the defendant's actions. If this element is given, UJI 14-132 NMRA, "unlawful defined," must be given after this instruction.  
[As amended, effective September 1, 1994; January 20, 2005; as amended by Supreme Court Order No. 18-8300-012, effective for all cases pending or filed on or after December 31, 2018.]