

**14-926. Criminal sexual contact of a minor in the [third] [second] degree; use of coercion by person in position of authority; essential elements.**

For you to find the defendant guilty of criminal sexual contact of a minor by use of coercion by a person in a position of authority [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*);]<sup>3</sup>

[OR]  
[caused \_\_\_\_\_ (*name of victim*) to touch the \_\_\_\_\_<sup>2</sup>  
of the defendant;]

2. The defendant was a  
[(parent) (relative) (household member)<sup>4</sup> (teacher) (employer)]<sup>3</sup>

[OR]  
[person who by reason of the defendant's relationship to \_\_\_\_\_  
(*name of victim*) was able to exercise undue influence over \_\_\_\_\_  
(*name of victim*)]

AND used this position of authority<sup>5</sup> to coerce \_\_\_\_\_ (*name of victim*) to submit to sexual contact;

3. \_\_\_\_\_ (*name of victim*) was at least thirteen (13) but less than eighteen (18) years old;

[4. The defendant's act was unlawful;]<sup>6</sup>

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. Name one or more of the following parts of the anatomy touched: "buttocks," "breast," "groin," "anus," "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. If this bracketed alternative is given, UJI 14-370 NMRA, "household member defined," must be given after this instruction.
5. See NMSA 1978, § 30-9-10(E) (2005) for the definition of "position of authority."
6. 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 January 20, 2005; as amended by Supreme Court Order No. 10-8300-039, effective December 31, 2010; as amended by Supreme Court Order No. 18-8300-012, effective for all cases pending or filed on or after December 31, 2018.]