

**14-374. Aggravated assault; attempted battery with a deadly weapon;  
Ahousehold member@; essential elements.**

For you to find the defendant guilty of aggravated assault against a household member [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 intended to commit the crime of battery against \_\_\_\_\_ (*name of victim*) by \_\_\_\_\_<sup>2</sup>;

A battery consists of intentionally touching or applying force in a rude, insolent, or angry manner.<sup>3</sup>

2. The defendant began to do an act which constituted a substantial part of the battery but failed to commit the battery;

3. The defendant used a [\_\_\_\_\_] <sup>4</sup> [deadly weapon. The defendant used a \_\_\_\_\_ (*name of object*). A \_\_\_\_\_ (*name of object*) is a deadly weapon only if you find that a \_\_\_\_\_ (*name of object*), when used as a weapon, could cause death or great bodily harm<sup>5</sup>]<sup>6</sup>;

4. \_\_\_\_\_ (*name of victim*) was a household member of the defendant<sup>7</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. Use ordinary language to describe the touching or application of force.
3. If the Aunlawfulness@ 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 Alawfulness@ involves self defense or defense of another, see UJI 14-5181 NMRA to UJI 14-5184 NMRA.
4. Insert the name of the weapon. Use this alternative only if the deadly weapon is specifically listed in NMSA 1978, Section 30-1-12B.
5. UJI 14-131 NMRA, the definition of Agreat bodily harm@, must also be given.
6. This alternative is given only if the object used is not specifically listed in Section 30-1-12B.
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; as amended by Supreme Court Order No. 16-8300-008, effective for all cases pending or filed on or after December 31, 2016.]