

**14-970A. Aggravated indecent exposure; essential elements.**

For you to find the defendant guilty of aggravated indecent exposure [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 knowingly and intentionally exposed [his] [her] \_\_\_\_\_<sup>2</sup> to public view in a lewd and lascivious manner;
2. The defendant did so with the intent to threaten or intimidate another person;
3. The defendant did so [before a child under the age of eighteen (18) years of age] [while committing an assault] [while committing an aggravated assault] [while committing an assault with intent to commit a violent felony] [while committing a battery] [while committing an aggravated battery] [while committing criminal sexual penetration] or [while committing abuse of a child]<sup>3</sup>;
4. 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 the part or parts of the anatomy exposed: i.e., “mons pubis,” “penis,” “testicles,” “mons veneris,” “vulva” or “vagina.” The applicable definition or definitions from UJI 14-981 NMRA must be given after this instruction.
  3. Use the applicable bracketed element(s). If element(s) other than “before a child under eighteen (18) years of age” are used, the essential element(s) for those offenses must also be given unless given elsewhere as a substantive instruction. See UJI 14-140 NMRA.
- [Adopted by Supreme Court Order No. 13-8300-023, effective for all cases pending or filed on or after December 31, 2013.]