

**14-379. Aggravated assault; threat or menacing conduct with intent to commit a felony; “household member”; essential elements.**

For you to find the defendant guilty of aggravated assault with intent to commit \_\_\_\_\_<sup>1</sup> [as charged in Count \_\_\_\_\_]<sup>2</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>3</sup>;
3. A reasonable person in the same circumstances as \_\_\_\_\_ (*name of victim*) would have had the same belief;
4. The defendant intended to commit the crime of \_\_\_\_\_<sup>1</sup>;
5. \_\_\_\_\_ (*name of victim*) was a household member of the defendant<sup>4</sup>;
6. This happened in New Mexico on or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

USE NOTE

1. Insert the name of the felony or felonies in the disjunctive. The essential elements of each felony must also be given immediately following this instruction.
2. Insert the count number if more than one count is charged.
3. Use ordinary language to describe the touching or application of force.
4. If the “unlawfulness” 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 “lawfulness” involves self-defense or defense of another, *see* UJI 14-5181 NMRA to UJI 14-5184 NMRA.

5. 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 pending or filed on or after December 31, 2014.]