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

For you to find the defendant guilty of aggravated indecent exposure [as charged in Count \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_]1, 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] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_2 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]3;

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 elements(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.]