

CR1302 Assault (MUJI title “Misdemeanor Assaults”).

(DEFENDANT'S NAME) is charged [in Count _____] with committing Assault [against a Pregnant Person][that Caused Substantial Bodily Injury] [on or about (DATE)]. You cannot convict [him] [her] of this offense unless, based on the evidence, you find beyond a reasonable doubt each of the following elements:

1. (DEFENDANT’S NAME);
2. Intentionally, knowingly, or recklessly
 - a. Attempted, with unlawful force or violence, to do bodily injury to (VICTIM’S NAME); or
 - b. Committed an act with unlawful force or violence that
 - i. caused bodily injury to (VICTIM’S NAME); or
 - ii. created a substantial risk of bodily injury to (VICTIM’S NAME).
3. [The act caused substantial bodily injury to (VICTIM’S NAME).]
4. [(VICTIM’S NAME) was pregnant, and (DEFENDANT’S NAME) had knowledge of the pregnancy.]
5. [The defense of _____ does not apply.]

After you carefully consider all the evidence in this case, if you are convinced that each and every element has been proven beyond a reasonable doubt, then you must find the defendant GUILTY. On the other hand, if you are not convinced that each and every element has been proven beyond a reasonable doubt, then you must find the defendant NOT GUILTY.

References

Utah Code § 76-5-102.

Committee Notes

In cases involving domestic violence, practitioners should include a special verdict form (SVF1331) and instructions defining cohabitant (CR1330 and CR1331).

Utah appellate courts have not decided whether the cohabitant relationship between the defendant and the alleged victim is an element of the offense requiring proof of an associated *mens rea* (intentional, knowing, or reckless). Practitioners should review *State v. Barela*, 2015 UT 22.