

**CR1610 Sodomy on a Child.**

(DEFENDANT'S NAME) is charged [in Count \_\_\_\_] with committing Sodomy on a Child [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 committed a sexual act with (MINOR'S INITIALS), involving any touching, however slight, of the genitals of one person and the mouth or anus of another, even if accomplished through clothing; and
3. (MINOR'S INITIALS) was under the age of 14 at the time of the conduct.

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 § 76-5-403.1

Utah Code § 76-5-407

*State v. Martinez*, 2002 UT 60

*State v. Martinez*, 2000 UT App 320

**Committee Notes**

This instruction contains bracketed language which suggests optional language. Please review and edit before finalizing the instruction.

If there was a prior conviction or serious bodily injury, a special verdict form may be necessary. See [SVF 1617, Sexual Offense Prior Conviction](#) or [SVF 1618, Serious Bodily Injury](#).

**Amended Dates:**

September 2015.