

CR1607 Object Rape.

(DEFENDANT'S NAME) is charged [in Count ____] with committing Object Rape [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 caused the penetration, however slight, of [(VICTIM'S NAME)[MINOR'S INITIALS]'s anal opening] [(VICTIM'S NAME) [MINOR'S INITIALS]'s genital opening, including the outer folds of the labia],[VICTIM'S NAME][MINOR'S INITIALS]'s genital or anal opening, by any object or substance other than the mouth or genitals;
3. The act was without ((VICTIM'S NAME) [MINOR'S INITIALS])'s consent;
4. (DEFENDANT'S NAME) acted with intent, knowledge, or recklessness that ((VICTIM'S NAME) [MINOR'S INITIALS]) did not consent; and
5. (DEFENDANT'S NAME) did the act with the intent to:
 - a. cause substantial emotional or bodily pain to ((VICTIM'S NAME) [MINOR'S INITIALS]); or
 - b. arouse or gratify the sexual desire of any person.

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 § 76-5-402.2

State v. Barela, 2015 UT 22

[State v. Simmons, 759 P.2d 1152 \(Utah 1988\)](#)

[State v. Patterson, 2017 UT App 194](#)

[State v. Heath, 2019 UT App 186](#)

Committee Notes

~~For a definition of vaginal “penetration” for purposes of this instruction, see *State v. Patterson*, 2017 UT App 194, ¶13 (citing *State v. Simmons*, 759 P.2d 1152, 1154 (Utah 1988)).~~

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](#).

Last Revised – 09/2015 (approved); 12/05/2018 (committee notes amended); 06/03/2020 (element 2 revised, references added, committee note revised)