

SVF 1613. Aggravated Sexual Abuse of a Child.

(LOCATION) JUDICIAL DISTRICT COURT, [_____ DEPARTMENT,]
IN AND FOR (COUNTY) COUNTY, STATE OF UTAH

<p>THE STATE OF UTAH, Plaintiff, vs. (DEFENDANT'S NAME), Defendant.</p>	<p>SPECIAL VERDICT AGGRAVATED SEXUAL ABUSE OF A CHILD</p> <p>Case No. (*****) Count (#)</p>
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We, the jury, have found the defendant, (DEFENDANT'S NAME), guilty of [Sexual Abuse of a Child] [Aggravated Sexual Abuse of a Child], [as charged in Count ____]. We also unanimously find the following beyond a reasonable doubt (check all that apply):

- The defendant used a dangerous weapon;
- The defendant used force, duress, violence, intimidation, coercion, menace, or threat of harm;
- The defendant committed the offense during the course of a kidnapping;
- The defendant caused bodily injury or severe psychological injury to (MINOR'S INITIALS) during or as a result of the offense;
- The defendant was a stranger to (MINOR'S INITIALS) or made friends with (MINOR'S INITIALS) for the purpose of committing the offense;
- The defendant used or showed pornography;
- The defendant caused (MINOR'S INITIALS) to be photographed in a lewd condition during the course of the offense;
- The defendant was convicted of a sexual offense prior to this trial;
- The defendant committed a similar sexual act upon two or more victims at the same time or during the same course of conduct;
- The defendant has committed six or more separate acts that would each constitute a sexual offense;

- The defendant was in a position of special trust in relation to (MINOR'S INITIALS);
- The defendant encouraged, aided, allowed, or benefited from acts of prostitution or sexual acts by (MINOR'S INITIALS) with any other person, or sexual performance by (MINOR'S INITIALS) before any other person;
- The defendant encouraged, aided, allowed, or benefited from human trafficking, or human smuggling;
- The defendant caused the penetration, however slight, of (MINOR'S INITIALS)'s genital or anal opening with any part of the human body other than the genitals or mouth.

DATED this _____ day of (Month), 20(**).

Foreperson

Amended September 2015.

References

Utah Code § 76-5-404.1

State v. Vallejo, 2019 UT 38.

Committee Notes

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

In regard to the ninth bracketed aggravating factor (similar sexual act upon two or more victims), the committee considered the use of the word "victims" in light of *State v. Vallejo*, 2019 UT 38, ¶¶ 99-102, but chose to preserve the language set forth in the statute. Any attempt to alter the instruction in an effort to avoid the use of the word "victims" appears to impermissibly change the meaning of the statute.