**14-1686. Dealing in credit cards of another; essential elements.**

For you to find the defendant guilty of dealing in credit cards of another [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 [had in his possession2]3 [received] [or] [transferred] four or more credit cards4;

2. The credit cards were issued to one or more persons other than the defendant;

[3. The defendant was not the issuer4 of the credit cards or the authorized agent of the issuer;]5

4. [The defendant, without consent, took the credit cards from the person, possession, custody or control of another with the intent to permanently deprive the (cardholder)3 (cardholders) of possession of the credit cards;]6 or

[The defendant knew that the credit cards had been stolen and intended (to use the credit cards)3 (sell or transfer the credit cards to another person other than to the cardholder or issuer);]6 or

[The credit cards had been (stolen)3 (lost or mislaid) (delivered under a mistake as to identity or address of the cardholder). The defendant knew or had reason to know that the credit cards had been (stolen)3 (lost or mislaid) (delivered under a mistake as to the identity or address of the cardholder). The defendant retained possession of the credit cards with the intent to (use the credit cards)3 (sell or transfer the credit cards to another person other than to the cardholder or issuer4);]7 or

[The defendant transferred possession of the credit cards to a person other than the cardholder with the intent to deceive or cheat;]8 or

[The defendant obtained possession of the credit cards from a person other than the issuer or the authorized agent of the issuer with the intent to deceive or cheat;]8 or

[The defendant (received)3 (sold) (transferred) the credit cards by making a false statement (about his identity or financial condition)3 (about the identity or financial condition of another) with the intent to deceive or cheat;]9

5. 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. UJI 14-130, "Possession" defined, is to be given if the question of possession is in issue.

3. Use the applicable alternative.

4. If the jury requests a definition of "credit card," "issuer" or "cardholder," the statutory definition set forth in Section 30-16-25 NMSA 1978 is to be given.

5. Use bracketed phrase only if an issue.

6. Use this element if the underlying offense is Section 30-16-26 NMSA 1978.

7. Use this element if the underlying offense is Section 30-16-27 NMSA 1978.

8. Use this element if the underlying offense is Section 30-16-28 NMSA 1978.

9. Use this element if the underlying offense is Section 30-16-29 NMSA 1978.