

14-1670. Fraud by worthless check; essential elements.

For you to find the defendant guilty of fraud by worthless check [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 gave a check² for \$ _____³ to _____ (*identify person or company*);
2. _____ (*identify person or company*) gave [money]⁴ [_____,⁵ which had some value] for the check;
3. When the defendant gave the check, he knew that there would be neither sufficient funds nor credit⁶ for payment of the check in full;
4. The defendant intended to cheat or deceive _____ (*identify person or company*) or another by use of the check;
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 14-1674, the definition of a check, should be given immediately following this instruction if the instrument is not a check within the commonly understood meaning of that term.
3. Insert face amount of check.
4. Use applicable alternative or alternatives.
5. Insert description of thing of value.
6. UJI 14-1675, the definition of credit, may be given immediately following this instruction if requested.