

14-1682. Possession of stolen, lost, mislaid or delivered by mistake credit card; essential elements.

For you to find the defendant guilty of possession of a [stolen credit card]¹ [lost or mislaid credit card] [credit card which was delivered under a mistake as to identity or address] [as charged in Count _____]², the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The credit card³ had been [stolen]¹ [lost or mislaid] [delivered under a mistake as to the identity or address of the cardholder];
2. The defendant [received]¹ [had in his possession⁴] a credit card issued to _____;
3. The defendant knew or had reason to know that the credit card had been [stolen]¹ [lost or mislaid] [delivered under a mistake as to the identity or address of the cardholder];
4. The defendant retained possession with the intent to [use the credit card]¹ [sell or transfer the credit card to another person other than to the cardholder or issuer³];
5. This happened in New Mexico on or about the _____ day of _____, _____.

USE NOTES

1. Use applicable alternative.
2. Insert the count number if more than one count is charged.
3. If the jury requests a definition of "credit card," "cardholder" or "issuer," the statutory definition set forth in Section 30-16-25 NMSA 1978 is to be given.
4. UJI 14-130, "Possession" defined, is to be given if the question of possession is in issue.