

**14-1689. Fraudulent use of credit cards obtained in violation of law; essential elements.**

For you to find the defendant guilty of fraudulent use of a credit card [as charged in Count \_\_\_\_\_]<sup>1</sup>, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant used a credit card<sup>2</sup> to obtain \_\_\_\_\_  
(*describe money, goods or services obtained with the credit card*);
2. These goods or services had a market value<sup>3</sup> [over \_\_\_\_\_];<sup>4</sup>
3. The defendant intended to deceive or cheat;
4. [The credit card was taken from the person, possession, custody or control of another with the intent to permanently deprive the cardholder of possession of the credit card;]<sup>5</sup> or [The credit card was stolen, and possession was transferred to another person who intended to use, sell or transfer the credit card;] or  
[The credit card had been lost, mislaid or delivered under a mistake as to the identity or address of the cardholder, and was retained by someone with the intent to use, sell or transfer the credit card to another person other than the cardholder or issuer]; or  
[The credit card was given to someone other than the cardholder with the intent to deceive or cheat;] or  
[The credit card was received by someone who intended to deceive or cheat;] or  
[The credit card was acquired by the making of a false statement about identity or financial condition;] or  
[The credit card was forged with the intent to deceive or cheat;] or  
[The credit card was signed by someone other than the cardholder with the intent to deceive or cheat;]
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. If the jury requests a definition of "credit card," the statutory definition set forth in Section 30-16-25 NMSA 1978 is to be given.
  3. See UJI 14-1602 for definition of "market value."
  4. Use this bracketed provision for goods and services if the value is over \$250. State whether the value of the merchandise at issue is "over \$250," "over \$500," "over \$2,500," or "over \$20,000." If the charge is a petty misdemeanor (\$250 or less), do not use this bracketed provision.
  5. Use only the applicable bracketed phrase or phrases.
- [As amended by Supreme Court Order No. 10-8300-039, effective December 31, 2010.]