

14-1681. Possession of stolen credit card; essential elements.

For you to find the defendant guilty of possession of a stolen credit card [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 possessed² a credit card³ issued to _____;
2. At the time the defendant acquired the credit card, the defendant knew or had reason to know that the credit card had been stolen;
3. At the time the defendant acquired the credit card, the defendant intended to [use the credit card]⁴ [sell or transfer the credit card to another person other than to the cardholder or issuer³];
4. This happened in New Mexico on or about the _____ day of _____, _____.

USE NOTES

1. Insert the count number if more than one count.
2. UJI 14-130, "Possession" defined, is to be given if the question of possession is in issue.
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. Use applicable alternative.
[As amended, effective March 15, 1995.]