

**14-1685. Fraudulent taking, receiving or transferring credit cards; essential elements.**

For you to find the defendant guilty of fraudulent [taking]<sup>1</sup> [receiving] [transferring] of a credit card [as charged in Count \_\_\_\_\_]<sup>2</sup>, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant [received]<sup>1</sup> [sold] [transferred] a credit card<sup>3</sup>;
2. The defendant made a false statement [about his (identity)<sup>4</sup> (financial condition)]<sup>1</sup> [about the (identity)<sup>4</sup> (financial condition) of (another person)<sup>4</sup> (firm) (corporation)];
3. The defendant intended to deceive or cheat;
4. 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," the statutory definition set forth in Section 30-16-25 NMSA 1978 is to be given.
4. Use applicable word or phrase set forth in parentheses.