

**14-1680. Theft of credit card; essential elements.**

For you to find the defendant guilty of theft 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 took from the [person]<sup>2</sup> [possession<sup>3</sup>] [custody] [control] of another a credit card<sup>4</sup> issued to \_\_\_\_\_ without the cardholder's<sup>4</sup> consent;

2. At the time the defendant took this credit card, the defendant intended to permanently deprive the cardholder of the card;

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