**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 \_\_\_\_\_\_\_\_\_\_]1, 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]2 [possession3] [custody] [control] of another a credit card4 issued to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ without the cardholder's4 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.