

14-1691. Fraudulent use of credit card by person representing that he is the cardholder; essential elements.

For you to find the defendant guilty of fraudulent use of a credit card by representing that he was the cardholder [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 used a credit card² to obtain _____
(*describe money, goods or services obtained with the credit card*);
2. These goods or services had a value [over _____];³
3. The defendant was not the cardholder²;
4. The defendant represented by words or conduct [that he was the cardholder] [that he was authorized by the cardholder to use the credit card]⁴;
5. The defendant intended to deceive or cheat;
6. 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" or "cardholder," the statutory definition set forth in Section 30-16-25 NMSA 1978 is to be given.
 3. 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.
 4. Use applicable bracketed phrase.
- [As amended by Supreme Court Order No. 10-8300-039, effective December 31, 2010.]