**14-1690. Fraudulent use of invalid, expired or revoked credit card; essential elements.**

For you to find the defendant guilty of fraudulent use of [an invalid] [an expired] [a revoked]1 credit card [as charged in Count \_\_\_\_\_\_\_\_\_\_]2, 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 card3 to obtain \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*describe money, goods or services obtained with the credit card*);

2. These goods or services had a value [over \_\_\_\_\_\_\_\_\_\_\_\_\_];4

3. At the time the defendant used the credit card, the credit card [was invalid] [had expired] [had been revoked]1;

4. The defendant intended to deceive or cheat;

5. 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. *See* UJI 14-1602 NMRA for a definition of "market value." 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.

[As amended by Supreme Court Order No. 10-8300-039, effective December 31, 2010.]