

**14-1692. Fraudulent use of credit card without consent of the cardholder; essential elements.**

For you to find the defendant guilty of fraudulent use of a credit card without consent, [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 used a credit card<sup>2</sup> to obtain \_\_\_\_\_  
(*describe money, goods or services obtained with the credit card*);
2. These goods or services had a value [over \_\_\_\_\_];<sup>3</sup>
3. The defendant used the credit card without the cardholder's<sup>2</sup> consent;
4. The defendant intended to deceive or cheat;
5. 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.  
[As amended by Supreme Court Order No. 10-8300-039, effective December 31, 2010.]