

14-4302. Fraudulent practices; sale of securities; essential elements.

For you to find the defendant guilty of fraudulent practices [as charged in Count _____],¹ the State must prove beyond a reasonable doubt each of the following elements of the crime:

1. The defendant [offered to sell] [sold] [offered to purchase] [or] [purchased]² a security;³

2. In connection with the [offer to sell] [sale] [offer to purchase] [or] [purchase]² of the security, the defendant purposely and directly or indirectly:

[used a plan or scheme to deceive or cheat others;]²

[OR]

[made an untrue statement of fact that under the circumstances would have been important or significant to the investment decision of a reasonable person;]

[OR]

[omitted a fact that under the circumstances would have been misleading to the investment decision of a reasonable person;]

[OR]

[engaged in an act, practice or course of business which would cheat or would operate as a fraud or deceit upon a reasonable person;]

3. This happened in New Mexico on or about the _____ day of _____, _____.⁴

USE NOTES

1. Insert the Count Number if more than one count is charged.
 2. Use only the applicable alternatives.
 3. UJI 14-4310 NMRA, the definition of “security”, must also be given immediately after this instruction.
 4. UJI 14-141 NMRA, General criminal intent, must also be given.
- [Approved, effective September 1, 1988; as amended by Supreme Court Order No. 21-8300-009, effective for all cases filed or pending on or after December 31, 2021.]