

14-1686. Dealing in credit cards of another; essential elements.

For you to find the defendant guilty of dealing in credit cards of another [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 [had in his possession²]³ [received] [or] [transferred] four or more credit cards⁴;

2. The credit cards were issued to one or more persons other than the defendant;

[3. The defendant was not the issuer⁴ of the credit cards or the authorized agent of the issuer;]⁵

4. [The defendant, without consent, took the credit cards from the person, possession, custody or control of another with the intent to permanently deprive the (cardholder)³ (cardholders) of possession of the credit cards;]⁶ or [The defendant knew that the credit cards had been stolen and intended (to use the credit cards)³ (sell or transfer the credit cards to another person other than to the cardholder or issuer);]⁶ or [The credit cards had been (stolen)³ (lost or mislaid) (delivered under a mistake as to identity or address of the cardholder). The defendant knew or had reason to know that the credit cards had been (stolen)³ (lost or mislaid) (delivered under a mistake as to the identity or address of the cardholder). The defendant retained possession of the credit cards with the intent to (use the credit cards)³ (sell or transfer the credit cards to another person other than to the cardholder or issuer⁴);]⁷ or [The defendant transferred possession of the credit cards to a person other than the cardholder with the intent to deceive or cheat;]⁸ or [The defendant obtained possession of the credit cards from a person other than the issuer or the authorized agent of the issuer with the intent to deceive or cheat;]⁸ or [The defendant (received)³ (sold) (transferred) the credit cards by making a false statement (about his identity or financial condition)³ (about the identity or financial condition of another) with the intent to deceive or cheat;]⁹

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. UJI 14-130, "Possession" defined, is to be given if the question of possession is in issue.
3. Use the applicable alternative.
4. If the jury requests a definition of "credit card," "issuer" or "cardholder," the statutory definition set forth in Section 30-16-25 NMSA 1978 is to be given.
5. Use bracketed phrase only if an issue.

1978. 6. Use this element if the underlying offense is Section 30-16-26 NMSA
1978. 7. Use this element if the underlying offense is Section 30-16-27 NMSA
1978. 8. Use this element if the underlying offense is Section 30-16-28 NMSA
1978. 9. Use this element if the underlying offense is Section 30-16-29 NMSA