

14-3101. Marijuana; possession; essential elements.¹

For you to find the defendant guilty of possession of marijuana [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 had [one ounce or less]³ [more than one ounce but less than eight ounces] [eight ounces or more] of marijuana in his possession⁴;
2. The defendant knew it was marijuana;
3. This happened in New Mexico on or about the _____ day of _____, _____.

USE NOTES

1. This instruction may be used for any of the three degrees of possession of marijuana.
2. Insert the count number if more than one count is charged.
3. Use only the applicable alternative.
4. UJI 14-3130, the definition of possession in controlled substance cases, should be given if possession is in issue. UJI 14-3131, the definition of marijuana, should be given if there is an issue as to whether the substance is marijuana.