

**14-4301. Offer or sale of unregistered securities; essential elements.**

For you to find the defendant guilty of the [offer to sell][or][sale of]<sup>1</sup> unregistered securities [as charged in Count \_\_\_\_\_]<sup>2</sup>, the State must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant [offered to sell] [or] [sold]<sup>1</sup> a security;<sup>3</sup>
2. The security was required by the New Mexico Uniform Securities Act to be registered with the State of New Mexico prior to the [sale] [or] [offer for sale];<sup>1, 4</sup>
3. The security was not registered as required under the New Mexico Uniform Securities Act;
4. This happened in New Mexico on or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.<sup>5</sup>

USE NOTES

1. Use only the applicable alternatives.
2. Insert the Count Number if more than one count is charged.
3. UJI 14-4310 NMRA, the definition of “security”, must also be given immediately after this instruction.
4. If the defendant claims that the security was exempt and there is a factual basis for this claim, UJI 14-4320 NMRA must be given. If the defendant claims that the sales transaction or offer to sell transaction was exempt and there is a factual basis for this claim, UJI 14-4321 NMRA must be given.
5. UJI 14-141 NMRA, General criminal intent, must also be given with this instruction.

[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.]