**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]1 unregistered securities [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 [offered to sell] [or] [sold]1 a security;3

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];1, 4

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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_.5

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.]