

14-3110. Controlled substance; trafficking by distribution; narcotic drug; essential elements.

For you to find the defendant guilty of "trafficking a controlled substance by distribution" [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 [transferred]³ [caused the transfer of] [attempted to transfer] _____⁴ to another;
2. The defendant knew it was _____⁴ [or believed it to be _____]⁴⁵ [or believed it to be some drug or other substance the possession of which is regulated or prohibited by law];
3. This happened in New Mexico on or about the _____ day of _____, _____.

USE NOTES

1. This instruction is applicable only to narcotic drugs in Schedules I or II of 30-31-6 and 30-31-7 NMSA 1978.
2. Insert the count number if more than one count is charged.
3. Use only the applicable alternatives.
4. Identify the substance.
5. Use applicable alternative or alternatives if there is evidence that the defendant believed the substance to be some controlled substance other than that charged.