

14-3113. Controlled substance; acquisition or attempt to acquire by misrepresentation; essential elements.

For you to find the defendant guilty of [intentionally acquiring or obtaining]¹ [attempting to acquire or obtain] possession of _____² by misrepresentation or deception, [as charged in Count _____]³, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant did [intentionally acquire or obtain]¹ [attempt to acquire or obtain] possession of _____²;
2. The defendant did so by misrepresentation or deception;
3. The defendant knew it was _____² [or believed it to be _____²]⁴ [or believed it to be some drug or other substance the possession of which is regulated or prohibited by law];
4. This happened in New Mexico on or about the _____ day of _____, _____.

USE NOTES

1. Use applicable alternative.
2. Identify the controlled substance.
3. Insert the count number if more than one count is charged.
4. If there is evidence that the defendant believed the substance to be some controlled substance other than that charged, use applicable alternative or alternatives.