

**14-3103. Controlled substance; distribution; essential elements.**

For you to find the defendant guilty of "distribution of \_\_\_\_\_<sup>2</sup>" [as charged in Count \_\_\_\_\_]<sup>3</sup>, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant [transferred]<sup>4</sup> [caused the transfer of] [attempted to transfer] \_\_\_\_\_<sup>2</sup> to another;
2. The defendant knew it was \_\_\_\_\_<sup>2</sup> [or believed it to be \_\_\_\_\_<sup>2</sup>]<sup>5</sup> [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 not applicable to narcotic drugs in Schedules I or II of 30-31-6 and 30-31-7 NMSA 1978.
2. Identify the substance.
3. Insert the count number if more than one count is charged.
4. Use only the applicable alternatives.
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.