

14-3105. Controlled substance; distribution to a minor; essential elements.

For you to find the defendant guilty of "distribution of _____¹ to a minor" [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] _____¹ to _____ (*name of transferee*);
2. The defendant knew it was _____¹ [or believed it to be _____¹]⁴ [or believed it to be some drug or other substance the possession of which is regulated or prohibited by law];
3. The defendant was 18 years of age or older;
4. _____ (*name of transferee*) was 17 years of age or younger;
5. This happened in New Mexico on or about the _____ day of _____, _____.

USE NOTES

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