

14-3107. Drug paraphernalia; possession; essential elements.

For you to find the defendant guilty of possession of drug paraphernalia, [as charged in Count _____]¹, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant had _____² in his or her possession³;
2. The defendant intended to use the _____² to [plant, propagate, cultivate, grow, harvest][,] [manufacture, compound, convert, produce, process, prepare, test, analyze][,] [pack, repack, store, contain, conceal][,] [or] [inject, ingest, inhale or otherwise introduce into the human body]⁴ a controlled substance;
3. This happened in New Mexico on or about the _____ day of _____, _____.

USE NOTES

1. Insert the count number if more than one count is charged.
2. Identify the items of alleged drug paraphernalia.
3. UJI 14-130 NMRA, the definition of possession, should be given if possession is in issue.
4. Choose applicable alternative or alternatives.

[Adopted by Supreme Court Order No. 18-8300-012, effective for all cases pending or filed on or after December 31, 2018.]