

**14-3120. Counterfeit substance; creation; essential elements.**

For you to find the defendant guilty of creating a counterfeit substance [as charged in Count \_\_\_\_\_]<sup>1</sup>, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant placed an unauthorized \_\_\_\_\_<sup>2</sup> on \_\_\_\_\_<sup>3</sup>;
2. The unauthorized \_\_\_\_\_<sup>2</sup> falsely represented the manufacturer, distributor or dispenser of the \_\_\_\_\_<sup>3</sup>;
3. The defendant knew that the use of the \_\_\_\_\_<sup>2</sup> was unauthorized;
4. The defendant knew the substance was \_\_\_\_\_<sup>3</sup> [or believed it to be \_\_\_\_\_<sup>3</sup>]<sup>4</sup> [or believed it to be some drug or other substance the possession of which is regulated or prohibited by law];
5. 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. Insert one or more of the following terms in the alternative: trademark, trade name, imprint, number, device, identifying mark.
3. Identify the substance.
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.