

14-3121. Counterfeit substance; delivery; essential elements.

For you to find the defendant guilty of "delivering a counterfeit substance" [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 [transferred]² [caused the transfer of] [attempted to transfer] _____³ to another;
2. The _____³ had an unauthorized _____⁴ which falsely represented its manufacturer, distributor or dispenser;
3. The defendant knew that the use of the _____⁴ was unauthorized;
4. The defendant knew the substance was _____³ [or believed it to be _____³]⁵ [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. Use only the applicable alternatives.
3. Identify the substance.
4. Insert one or more of the following terms in the alternative: trademark, trade name, imprint, number, device, identifying mark.
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.