

14-1640. Fraud; essential elements.

For you to find the defendant guilty of fraud [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, by any words or conduct, [made a promise he had no intention of keeping] [misrepresented a fact]² to _____ (*name of victim*), intending to deceive or cheat _____ (*name of victim*);

2. Because of the [promise] [misrepresentation]² and _____'s (*name of victim*) reliance on it, defendant obtained _____ (*describe property or state amount of money*);³

3. This _____ (*property*) belonged to someone other than the defendant;

[4. The _____ (*property*) had a market value⁴ [of over \$ _____;]⁵]

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 applicable bracketed phrase.
3. If money is involved, state whether the amount charged is "over \$20,000" or [over] "over \$2,500" or "over \$500" or "over \$250."
4. See UJI 14-1602 NMRA for definition of "market value."
5. Use this bracketed provision for property other than money if the value is over \$250. State whether the value of the property at issue is "over \$250," "over \$500," "over \$2,500," or "over \$20,000." If the charge is a petty misdemeanor (\$250 or less), do not use this bracketed provision.

[As amended by Supreme Court Order No. 10-8300-039, effective December 31, 2010; as amended by Supreme Court Order No. 21-8300-015, effective for all cases pending or filed on or after December 31, 2021.]