

14-1693. Fraudulent acts by merchants or their employees; fraudulently furnishing something of value; essential elements.

For you to find the defendant guilty of fraudulently furnishing something of value [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. In his capacity as [a merchant]² [an employee of _____]³, the defendant [furnished] [allowed to be furnished]³ _____ (*describe money, goods or services furnished*);

2. These goods or services had a market value⁴ [over _____];⁵

3. The defendant accepted for payment a credit card² that he knew was being used to deceive or cheat;

4. The defendant intended to deceive or cheat;

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. If the jury requests a definition of "merchant" or "credit card" the statutory definition set forth in Section 30-16-25 NMSA 1978 is to be given.

3. Use applicable bracketed phrase.

4. See UJI 14-1602 NMRA for definition of "market value."

5. Use this bracketed provision for goods and services if the value is over \$250. State whether the value of the merchandise 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.]