**14-1682. Possession of stolen, lost, mislaid or delivered by mistake credit card; essential elements.**

For you to find the defendant guilty of possession of a [stolen credit card]1 [lost or mislaid credit card] [credit card which was delivered under a mistake as to identity or address] [as charged in Count \_\_\_\_\_\_\_\_\_\_]2, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The credit card3 had been [stolen]1 [lost or mislaid] [delivered under a mistake as to the identity or address of the cardholder];

2. The defendant [received]1 [had in his possession4] a credit card issued to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

3. The defendant knew or had reason to know that the credit card had been [stolen]1 [lost or mislaid] [delivered under a mistake as to the identity or address of the cardholder];

4. The defendant retained possession with the intent to [use the credit card]1 [sell or transfer the credit card to another person other than to the cardholder or issuer3];

5. This happened in New Mexico on or about the \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_.

USE NOTES

1. Use applicable alternative.

2. Insert the count number if more than one count is charged.

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

4. UJI 14-130, "Possession" defined, is to be given if the question of possession is in issue.