**14-1691. Fraudulent use of credit card by person representing that he is the cardholder; essential elements.**

For you to find the defendant guilty of fraudulent use of a credit card by representing that he was the cardholder [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 used a credit card2 to obtain \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*describe money, goods or services obtained with the credit card*);

2. These goods or services had a value [over \_\_\_\_\_\_\_\_\_\_\_\_\_];3

3. The defendant was not the cardholder2;

4. The defendant represented by words or conduct [that he was the cardholder] [that he was authorized by the cardholder to use the credit card]4;

5. The defendant intended to deceive or cheat;

6. 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 "credit card" or "cardholder," the statutory definition set forth in Section 30-16-25 NMSA 1978 is to be given.

3. 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.

4. Use applicable bracketed phrase.

[As amended by Supreme Court Order No. 10-8300-039, effective December 31, 2010.]