

1 **14-1691. Fraudulent use of credit card by person representing that ~~he is~~ they are the**  
2 **cardholder; essential elements.**

3 For you to find the defendant guilty of fraudulent use of a credit card by representing that  
4 ~~he~~ defendant was the cardholder [as charged in Count \_\_\_\_\_]<sup>1</sup>, the state must prove to your  
5 satisfaction beyond a reasonable doubt each of the following elements of the crime:

6 1 The defendant used a credit card<sup>2</sup> to obtain \_\_\_\_\_ (*describe money,*  
7 *goods or services obtained with the credit card*);

8 2. These goods or services had a value [over \_\_\_\_\_];<sup>3</sup>

9 3. The defendant was not the cardholder<sup>2</sup>;

10 4. The defendant represented by words or conduct [that he was the cardholder] [that  
11 ~~he~~ defendant was authorized by the cardholder to use the credit card]<sup>4</sup>;

12 5. The defendant intended to deceive or cheat;

13 6. This happened in New Mexico on or about the \_\_\_\_\_ day of  
14 \_\_\_\_\_, \_\_\_\_\_.

15 USE NOTES

16 1. Insert the count number if more than one count is charged.

17 2. If the jury requests a definition of [“credit card”] or [“cardholder, [”]” the  
18 statutory definition set forth in NMSA 1978, Section 30-16-25[~~NMSA 1978~~] is to be given.

19 3. Use this bracketed provision for goods and services if the value is over \$250. State  
20 whether the value of the merchandise at issue is [“over \$250,[”]” [“over \$500,[”]” [“over  
21 \$2,500,[”]” or [“over \$20,000.[”]” If the charge is a petty misdemeanor (\$250 or less), do not  
22 use this bracketed provision.

23 4. Use applicable bracketed phrase.

1 [As amended by Supreme Court Order No. 10-8300-039, effective December 31, 2010; as  
2 amended by Supreme Court Order No. S-1-RCR-2025-00126, effective for all cases pending or  
3 filed on or after December 31, 2025.]

4 **Committee commentary.** — For general information on credit card crimes, *see* committee  
5 commentary to UJI 14-1680 NMRA. Also *see* commentary to UJI 14-1689 NMRA for a discussion  
6 of fraudulent use of credit cards.