

1 **14-1693. Fraudulent acts by merchants or their employees; fraudulently furnishing**  
2 **something of value; essential elements.**

3 For you to find the defendant guilty of fraudulently furnishing something of value [as  
4 charged in Count \_\_\_\_\_]<sup>1</sup>, the state must prove to your satisfaction beyond a reasonable  
5 doubt each of the following elements of the crime:

6 1. In [~~his~~defendant's] capacity as [a merchant]<sup>2</sup> [an employee of  
7 \_\_\_\_\_]<sup>3</sup>, the defendant [furnished] [allowed to be furnished]<sup>3</sup>  
8 \_\_\_\_\_ (*describe money, goods or services furnished*);

9 2. These goods or services had a market value<sup>4</sup> [over \_\_\_\_\_];<sup>5</sup>

10 3. The defendant accepted for payment a credit card<sup>2</sup> that [~~he~~defendant] knew was  
11 being used to deceive or cheat;

12 4. The defendant intended to deceive or cheat;

13 5. 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 ["merchant["] or ["credit card["] the  
18 statutory definition set forth in NMSA 1978, Section 30-16-25[~~NMSA 1978~~] is to be given.

19 3. Use applicable bracketed phrase.

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

21 5. Use this bracketed provision for goods and services if the value is over \$250. State  
22 whether the value of the merchandise at issue is ["over \$250,["] ["over \$500,["] ["over

1 \$2,500,[""] or [""]“over \$20,000.[""]” If the charge is a petty misdemeanor (\$250 or less), do not  
2 use this bracketed provision.

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

6 **Committee commentary.** — For general information on credit card crimes, *see* committee  
7 commentary to UJI 14-1680 NMRA.

8 [~~Section 30-16-34A NMSA 1978~~]NMSA 1978, Section 30-16-34(A) deals with the fraudulent  
9 furnishing of something of value upon presentation of a credit card which in some way is invalid.

10 [~~Section 30-16-34B NMSA 1978~~]NMSA 1978, § 30-16-34(B) deals with the situation where a  
11 credit slip is filled out, but no merchandise is actually furnished.

12 In the former situation there seems to be an assumption of collusion between the merchant or  
13 employee and the individual presenting the credit card. An example of an offense under Subsection  
14 B would be when the merchant or employee accepts a credit card for a valid purchase, and makes  
15 two credit slips; the customer signs one not knowing about the second and the merchant or  
16 employee signs the cardholder[""]’s name to the second credit slip and pockets the money from the  
17 alleged sale.

18 For a discussion on the aggregation of amounts provided for in this section, *see* committee  
19 commentary to UJI 14-1689 NMRA.

20 *See* UJI 14-1640 NMRA for a review of the elements of fraud.

21 [As amended by Supreme Court Order No. 10-8300-039[, ~~effective December 31, 2010~~]; as  
22 amended by Supreme Court Order No. S-1-RCR-2025-00126.]