

1 **14-1694. Fraudulent acts by merchants or their employees; representing that something of**  
2 **value has been furnished; essential elements.**

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

6 1. In the defendant's capacity as [a merchant<sup>2</sup>] [an employee of  
7 \_\_\_\_\_]<sup>3</sup>, the defendant falsely represented in writing to \_\_\_\_\_  
8 (*issuer or participating party*<sup>2</sup>) that [~~he~~] defendant furnished \_\_\_\_\_ (*describe*  
9 *money, goods or services allegedly furnished*) on a credit card<sup>2</sup> of the issuer<sup>2</sup>, which had a market  
10 value<sup>4</sup> of \_\_\_\_\_<sup>5</sup>;

11 2. The defendant [did not furnish such goods or services]<sup>3</sup> [furnished goods or services  
12 of a market value only of \_\_\_\_\_<sup>5</sup>]<sup>3</sup>;

13 [3. The difference between the represented market value and the actual market value  
14 is \_\_\_\_\_<sup>6</sup>];

15 4. The defendant intended to deceive or cheat; and

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

18 USE NOTES

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

20 2. If the jury requests a definition of [~~"merchant," "credit card," "issuer" or~~  
21 ~~"participating party,"~~] "merchant," "credit card," "issuer," or "participating party" the statutory  
22 definition set forth in NMSA 1978, Section 30-16-25[~~NMSA 1978~~] is to be given.

23 3. Use applicable alternative.

- 1           4.     See UJI 14-1602 NMRA for definition of [~~"market value."~~]"market value."
- 2           5.     Insert the applicable represented or actual value.
- 3           6.     If the charge is a [~~second-degree~~] second-degree felony (over \$20,000), use [~~"over~~  
4 \$20,000"] "over \$20,000" in the blank. If the charge is a [~~third-degree~~] third-degree felony (over  
5 \$2,500), use [~~"over \$2,500"~~] "over \$2,500" in the blank. If the charge is a [~~fourth-degree~~] fourth-  
6 degree felony (over \$500), use [~~"over \$500"~~] "over \$500" in the blank. If the charge is a  
7 misdemeanor (over \$250), use [~~"over \$250"~~] "over \$250" in the blank. If the charge is a petty  
8 misdemeanor (under \$250), use [~~"under \$250"~~] "under \$250" in the blank.
- 9 [As amended by Supreme Court Order No. 10-8300-039, effective December 31, 2010; as  
10 amended by Supreme Court Order No. S-1-RCR-2025-00126, effective for all cases pending or  
11 filed on or after December 31, 2025.]
- 12 **Committee commentary.** — See NMSA 1978, § 30-16-34(C) (2006). For general information on  
13 credit card crimes, *see* committee commentary to UJI 14-1680 NMRA. Also *see* commentary to  
14 UJI 14-1673 for a discussion of fraudulent acts by merchants or their employees.
- 15 *See* UJI 14-1640 NMRA for a review of the elements of fraud.
- 16 [As amended by Supreme Court Order No. 10-8300-039, effective December 31, 2010.]