

1 **14-3122. Counterfeit substance; possession with intent to deliver; essential elements.**

2 For you to find the defendant guilty of [“possession with intent to deliver a counterfeit
3 substance” [as charged in Count _____]¹, the state must prove to your satisfaction beyond
4 a reasonable doubt each of the following elements of the crime:

5 1. The defendant [~~had~~] possessed³ a drug called _____² [~~in his~~
6 ~~possession~~³];

7 2. The defendant knew the substance was _____² [or believed it to be
8 _____²] [or believed it to be some drug or other substance the possession of which
9 is regulated or prohibited by law];

10 3. The _____² had an unauthorized _____⁵ which
11 falsely represented its manufacturer, distributor, or dispenser;

12 4. The defendant knew that the use of the _____⁵ was unauthorized;

13 5. The defendant intended to transfer the _____² to another;

14 6. This happened in New Mexico on or about the _____ day of
15 _____, _____.

16 USE NOTES

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

18 2. Identify the substance.

19 3. UJI 14-3130, the definition of possession in controlled substance cases, should be
20 given if possession is in issue.

21 4. Use applicable alternative or alternatives if there is evidence that the defendant
22 believed the substance to be some controlled substance other than that charged.

- 1 5. Insert one or more of the following terms in the alternative: trademark, trade name,
2 imprint, number, device, identifying mark.
- 3 [As amended by Supreme Court Order No. S-1-RCR-2025-00126, effective for all cases pending
4 or filed on or after December 31, 2025.]
- 5 **Committee commentary.** — *See* committee commentary under UJI 14-3120.