

15.14 Access Devices—Illegal Transactions (18 U.S.C. § 1029(a)(5))

The defendant is charged in [Count _____ of] the indictment with effecting transactions with an access device issued to another person in violation of Section 1029(a)(5) of Title 18 of the United States Code. For the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, with [an access device] [access devices] issued to [another person] [other persons], the defendant knowingly effected transactions;

Second, the defendant obtained through such transactions [at any time during a one-year period beginning [date], and ending [date]] a total of at least \$1,000 in payment[s] or [any other thing] [other things] of value;

Third, the defendant acted with intent to defraud; and

Fourth, the defendant's conduct in some way affected commerce between one state and [an]other state[s], or between a state of the United States and a foreign country.

Comment

Use this instruction in conjunction with Instruction 15.16 (Access Device—Defined).

See Comment to Instruction 15.10 (Counterfeit Access Devices—Producing, Using, or Trafficking) and Comment to Instruction 15.11 (Unauthorized Access Devices—Using or Trafficking).

18 U.S.C. § 10 defines interstate and foreign commerce.