

ADA ELLIOTT - FORGERY - CITATIONS

San Juan County Sheriff's deputy stopped vehicle for traffic violations. Defendant signed three traffic citations but gave his brother's information instead. He was charged with three counts of forgery. Is this forgery?

FORGERY - NMSA 1978, SECTION 30-16-10

Forgery consists of:

- A. Falsely making or altering any signature to, or any part of, any writing purporting to have any legal efficacy with intent to injure or defraud;

Court of Appeals did following analysis:

legal efficacy

"Legal efficacy" - a writing which could be made the foundation of liability, that would apparently operate to the legal prejudice of another.

We usually think of forgery as altering a document for financial gain but it can also be "any document required by law to be filed . . . or necessary . . . to the discharge of a public official's duties." These citations have legal efficacy because defendant gave his written promise to appear in court or pay the penalty assessment.

Intent to injure or defraud

Defendant argued he had no intent to injure or defraud his brother. The forgery statute, however, does not require that the victim be a particular person. The false signatures can "injure or defraud" the arresting officer and the court in which the traffic citations are filed. The false signatures allow Defendant to obtain his release without actually agreeing to pay a penalty assessment or appear in court.

Court of Appeals held the allegations fell within the forgery statute State v. Wasson (1998).

