

14-1601. Larceny; essential elements.

For you to find the defendant guilty of larceny [as charged in Count _____]¹, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant took and carried away² _____ (*describe property*), belonging to another, which had a market value³ [over \$ _____]⁴;⁵
2. At the time he took this property, the defendant intended to permanently deprive the owner of it;
3. This happened in New Mexico on or about the _____ day of _____, _____.

USE NOTES

1. Insert the count number if more than one count is charged.
2. See UJI 14-1603 if "asportation" is in issue.
3. See UJI 14-1602 for definition of market value. Use this bracketed provision for property other than money if the value is over \$250. State whether the value of merchandise at issue is "over \$250," "over \$500," "over \$2,500," or "over \$20,000." If the charge is a petty misdemeanor (\$250 or less), do not use this bracketed provision.
4. If the charge is a second degree felony (over \$20,000), use \$20,000 in the blank. If the charge is a third degree felony (over \$2,500), use \$2,500 in the blank. If the charge is a fourth degree felony (over \$500), use \$500 in the blank. If the charge is a misdemeanor (over \$250), use \$250 in the blank.
5. This bracketed provision should not be used if: (a) the property is a firearm with a value of less than \$2,500; (b) if the property is livestock; or (c) if the property has a value of less than \$250.00 or less. In these cases, value is not in issue. [As amended by Supreme Court Order No. 10-8300-039, effective December 31, 2010.]