

**14-1610. Shoplifting; conversion of property without payment; essential elements.**

For you to find the defendant guilty of shoplifting [as charged in Count \_\_\_\_\_]<sup>1</sup>, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant [took possession<sup>2</sup> of]<sup>3</sup> [concealed] \_\_\_\_\_  
(*describe merchandise*);
2. This merchandise had a market value<sup>4</sup> [over \$ \_\_\_\_\_<sup>5</sup>];
- [3. This merchandise was offered for sale to the public in a store;]<sup>6</sup>
4. At the time the defendant took this merchandise, the defendant intended to take it without paying for it;
5. 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. Use UJI 14-130 if "possession" is in issue.
  3. Use applicable alternative.
  4. See UJI 14-1602 for definition of market value. Use this bracketed provision for merchandise if the value is over \$250. State whether the value of the 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.
  5. 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.
  6. For use if there is an issue as to whether or not the items taken were merchandise in a store.
- [As amended by Supreme Court Order No. 10-8300-039, effective December 31, 2010.]