**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.]