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

For you to find the defendant guilty of shoplifting [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 possession2 of]3 [concealed] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*describe merchandise*);

2. This merchandise had a market value4 [over $\_\_\_\_\_\_\_\_\_\_5];

[3. This merchandise was offered for sale to the public in a store;]6

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.]