

14-1641. Embezzlement; essential elements.

For you to find the defendant guilty of embezzlement [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 was entrusted with _____². [This _____ (*property*) had a market value³ [of \$ _____];⁴
2. The defendant converted this _____ (*property or money*) to the defendant's own use. "Converting something to one's own use" means keeping another's property rather than returning it, or using another's property for one's own purpose [rather than]⁵ [even though the property is eventually used] for the purpose authorized by the owner;
3. At the time the defendant converted _____ (*property or money*), the defendant fraudulently intended to deprive the owner of the owner's property. "Fraudulently intended" means intended to deceive or cheat;
4. 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. Describe property. If money is involved, state the amount.
3. See UJI 14-1602 for definition of "market value".
4. Use this bracketed provision for property other than money if the value is over \$250. State whether the value alleged to have been embezzled or converted 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. Use the applicable bracketed phrase.

[As amended, effective March 15, 1995; as amended by Supreme Court Order No. 10-8300-039, effective December 31, 2010.]