**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.]