

14-1611. Shoplifting; alteration of label or container; 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 [altered a label, price tag or marking upon _____ (*describe merchandise*)]² [transferred _____ (*describe merchandise*) from the container [in] [on]² which it was displayed to another container];
2. The [altered] [transferred]² merchandise had a market value³ [over \$ _____]⁴;
- [3. The [altered] [transferred]² merchandise was offered for sale to the public in a store;]⁵
4. The defendant intended to deprive _____ (*name of merchant*) of all or some part of the value of this merchandise;
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 applicable alternative.
 3. 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 alternative.
 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. For use if there is an issue as to whether or not the items were merchandise in a store.
- [As amended by Supreme Court Order No. 10-8300-039, effective December 31, 2010.]