**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.]