

1 **14-1612. Aggravated shoplifting.**

2 For you to find the defendant guilty of aggravated shoplifting [as charged in Count  
3 \_\_\_\_\_]<sup>1</sup>, the state must prove to your satisfaction beyond a reasonable doubt each of the  
4 following elements of the crime:

5 1. \_\_\_\_\_ (*name of defendant*) [took possession of]  
6 [concealed]<sup>2</sup> \_\_\_\_\_ (describe merchandise);

7 2. This merchandise was offered for sale to the public by \_\_\_\_\_ (*name of*  
8 *retailer or store*), a retailer<sup>3</sup>, located at \_\_\_\_\_ (*address of retailer or store*);

9 3. At the time \_\_\_\_\_ (*name of defendant*) took this merchandise,  
10 \_\_\_\_\_ (*name of defendant*) intended to take it without paying for it;

11 4. Immediately after shoplifting, \_\_\_\_\_ (*name of defendant*) [unlawfully]<sup>4</sup>  
12 assaulted or struck at another<sup>5</sup> with a [\_\_\_\_\_]<sup>6</sup> [deadly weapon. The defendant used a  
13 \_\_\_\_\_ (*name of instrument or object*). A \_\_\_\_\_ (*name of instrument or*  
14 *object*) is a deadly weapon only if you find that a \_\_\_\_\_ (*name of object*), when used  
15 as a weapon, could cause death or great bodily harm<sup>7</sup>]<sup>8</sup>; and

16 5. \_\_\_\_\_ (*name of defendant*) acted with the intent to [retain possession of  
17 stolen property] [or] [effect an escape from the scene of an act of shoplifting]<sup>9</sup>;

18 6. This happened in New Mexico on or about the \_\_\_\_\_ day of  
19 \_\_\_\_\_, \_\_\_\_\_.

20 USE NOTES

21 1. Insert the count number if more than one count is charged.

22 2. Use the applicable alternative form of shoplifting from UJI 14-1610 NMRA. If the  
23 defendant is charged with shoplifting by alteration or transfer in accordance with UJI 14-1611

1 NMRA, the elements for that theory of shoplifting should be given in place of or in addition to  
2 these alternatives.

3 3. If there is an issue about whether a retailer was involved, UJI 14-1618 NMRA, the  
4 definition of “retailer,” must be given.

5 4. If the “unlawfulness” of the act is in issue, UJI 14-132 NMRA is given. If the issue  
6 of “lawfulness” involves self-defense or defense of another, *see* UJI 14-5181 NMRA to UJI 14-  
7 5184 NMRA.

8 5. The elements of assault should be given, *see* UJI 14-301 NMRA.

9 6. Insert the name of the weapon. Use this alternative only if the deadly weapon is  
10 specifically listed in NMSA 1978, Section 30-1-12(B).

11 7. UJI 14-131 NMRA, the definition of “great bodily harm,” must also be given.

12 8. This alternative is given only if the object used is not specifically listed in NMSA  
13 1978, Section 30-1-12(B).

14 9. Use the applicable alternative.

15 [Adopted by Supreme Court Order No. S-1-RCR-2025-00167, effective for all cases pending or  
16 filed on or after December 31, 2025.]

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18 **Committee commentary.** — *See* NMSA 1978, § 30-16-20. This instruction is in response  
19 to the legislative amendment to Section 30-16-20, which amended Subsection C and added  
20 Subsections D, E, and F, allowing for the charge of shoplifting in the aggregate and for the charge  
21 of aggravated shoplifting. *See* 2023 N.M. Laws, ch. 194, § 1 (effective June 16, 2023).

22 [Adopted by Supreme Court Order No. S-1-RCR-2025-00167.]