

1 **14-1613. Organized retail crime; theft.**

2 For you to find _____ (*name of defendant*) guilty of organized retail crime [as
3 charged in Count _____]¹, the state must prove to your satisfaction beyond a reasonable
4 doubt each of the following elements of the crime:

5 1. _____ (*name of defendant*) and another person or persons acted with an
6 organized plan to steal merchandise from [a retailer²]³[retailers];

7 2. The aggregated retail market value⁴ of the merchandise stolen was two thousand
8 five hundred dollars (\$2,500) or more;

9 3. _____ (*name of defendant*) intended to [sell]³ [exchange] [return] the
10 merchandise for value;

11 4. This happened in New Mexico [on or about the _____ day of
12 _____, _____]³ [within the span of one year, between the
13 _____ day of _____, _____, and the _____ day of
14 _____, _____].

15 USE NOTES

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

17 2. If there is an issue about whether the merchandise was taken from a retailer, UJI
18 14-1618 NMRA, the definition of “retailer,” should be given.

19 3. Use the applicable alternative.

20 4. If there is dispute about the value of the merchandise, UJI 14-1617 NMRA, the
21 definition of “aggregated retail market value” should be given.

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

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2 **Committee commentary.** — *See* NMSA 1978, § 30-16-20.1 (2023). Section 30-16-
3 20.1(A)(1)-(2) penalizes a person for acting “in concert with” others to steal merchandise or
4 receive, purchase, or possess stolen merchandise. “In concert with” is not defined in New Mexico
5 law, but Section 30-16-20.1(A)(3) uses the term “an organized plan.” For consistency and clarity,
6 the Committee uses the language set forth in Section 30-16-20.1(A)(3) for the instant instruction.
7 [Adopted by Supreme Court Order No. S-1-RCR-2025-00167.]