

1 **14-1614. Organized retail crime; possession.**

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 [receive]² [purchase] [or] [possess³] merchandise stolen from [a retailer⁴]²
7 [retailers];

8 2. _____ (*name of defendant*) knew or believed the merchandise was stolen;

9 3. The aggregated retail market value⁵ of the merchandise stolen was two thousand
10 five hundred dollars (\$2,500) or more;

11 4. This happened in New Mexico [on or about the _____ day of
12 _____, _____]² [within the span of one year, between the
13 _____ day of _____, _____, _____ and the
14 _____ day of _____, _____].

15 USE NOTES

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

17 2. Use the applicable alternative.

18 3. Use UJI 14-130 NMRA if “possession” is in issue.

19 4. If there is an issue about whether the merchandise was taken from a retailer, UJI
20 14-1618 NMRA, the definition of “retailer,” should be given.

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

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

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4 **Committee commentary.** — *See* NMSA 1978, § 30-16-20.1 (2023). Section 30-16-
5 20.1(A)(1)-(2) penalizes a person for acting “in concert with” others to steal merchandise or
6 receive, purchase, or possess stolen merchandise. “In concert with” is not defined in New Mexico
7 law, but Section 30-16-20.1(A)(3) uses the term “an organized plan.” For consistency and clarity,
8 the Committee uses the language set forth in Section 30-16-20.1(A)(3) for the instant instruction.

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