

1 **14-1601. Larceny; essential elements.**

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

5 1. The defendant took and carried away<sup>2</sup> \_\_\_\_\_ (*describe property*),  
6 belonging to another, which had a market value<sup>3</sup> [over \$ \_\_\_\_\_<sup>4</sup>];<sup>5</sup>

7 2. At the time [~~he~~ defendant] took this property, the defendant intended to permanently  
8 deprive the owner of it;

9 3. This happened in New Mexico on or about the \_\_\_\_\_ day of  
10 \_\_\_\_\_, \_\_\_\_\_.

11 USE NOTES

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

13 2. See UJI 14-1603 NMRA if [“]“asportation[“]” is in issue.

14 3. See UJI 14-1602 NMRA for definition of market value. Use this bracketed  
15 provision for property other than money if the value is over \$250. State whether the value of  
16 merchandise at issue is [“]“over \$250,[“]” [“]“over \$500,[“]” [“]“over \$2,500,[“]” or [“]“over  
17 \$20,000.[“]” If the charge is a petty misdemeanor (\$250 or less), do not use this bracketed  
18 provision.

19 4. If the charge is a [~~second-degree~~ second-degree] felony (over \$20,000), use \$20,000  
20 in the blank. If the charge is a [~~third-degree~~ third-degree] felony (over \$2,500), use \$2,500 in the  
21 blank. If the charge is a [~~fourth-degree~~ fourth-degree] felony (over \$500), use \$500 in the blank. If  
22 the charge is a misdemeanor (over \$250), use \$250 in the blank.

1           5.       This bracketed provision should not be used if: (a) the property is a firearm with a  
2 value of less than \$2,500; (b) if the property is livestock; or (c) if the property has a value of less  
3 than \$250.00 or less. In these cases, value is not in issue.

4 [As amended by Supreme Court Order No. 10-8300-039, effective December 31, 2010; as  
5 amended by Supreme Court Order No. S-1-RCR-2025-00126, effective for all cases pending or  
6 filed on or after December 31, 2025.]

7 **Committee commentary.** — See NMSA 1978, § 30-16-1[~~NMSA 1978~~]. The intent to  
8 permanently deprive the owner or another of the property is the intent to steal. *State v. Rhea*, 1974-  
9 NMCA-030, 86 N.M. 291, 523 P.2d 26[~~(Ct. App.)~~], *cert. denied*, 86 N.M. 281, 523 P.2d 16 (1974).  
10 *State v. Parker*, 80 N.M. 551, 458 P.2d 803[~~(Ct. App.)~~], *cert. denied*, 80 N.M. 607, 458 P.2d  
11 859 (1969). It is not necessary that the property taken be owned by a certain person. It is only  
12 necessary that the property did not belong to the defendant. *State v. Ford*, 1969-NMCA-092, 80  
13 N.M. 649, 459 P.2d 353[~~(Ct. App. 1969)~~]. See also *State v. Puga*, 1973-NMCA-079, 85 N.M.  
14 204, 510 P.2d 1075[~~(Ct. App. 1973)~~].

15 This instruction does not use the words [“]“without consent[”]” or the like to indicate that larceny  
16 involves a trespassory taking. See generally Perkins, *Criminal Law* at 245-46 (2d ed. 1969). The  
17 committee believed that the element of trespassory taking was covered by this instruction together  
18 with the instruction on general criminal intent, UJI 14-141 NMRA.

19 The statute provides that larceny of livestock is a [~~third-degree~~]third-degree felony without regard  
20 to the value of the property. The constitutionality of this provision was upheld in *State v. Pacheco*,  
21 1969-NMCA-127, 81 N.M. 97, 463 P.2d 521[~~(Ct. App. 1969)~~].

22 [As amended by Supreme Court Order No. S-1-RCR-2025-00126.]