

1 **14-1620. Robbery; essential elements.**

2 For you to find the defendant guilty of robbery [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> \_\_\_\_\_ (*identify property*),  
6 from \_\_\_\_\_ (*name of victim*), or from [~~his~~]the victim's immediate control  
7 intending to permanently deprive \_\_\_\_\_ (*name of victim*) of the property; [the  
8 \_\_\_\_\_ (*property*) had some value;]<sup>3</sup>

9 2. The defendant took the \_\_\_\_\_ (*property*) by [force or violence]<sup>4</sup>  
10 [or] [threatened force or violence];

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

13 USE NOTES

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

15 2. Use UJI 14-1603 NMRA if asportation is in issue.

16 3. Use the bracketed provision only if there is a question as to whether or not the  
17 property taken had any value.

18 4. Use the applicable bracketed phrase.

19 [As amended by Supreme Court Order No. S-1-RCR-2025-00126, effective for all cases pending  
20 or filed on or after December 31, 2025.]

21 **Committee commentary.** — See NMSA 1978, § 30-16-2[~~NMSA 1978~~]. The gist of the offense  
22 of robbery is the use of force or intimidation. *State v. Sanchez*, 1967-NMCA-009, 78 N.M. 284,  
23 430 P.2d 781[~~(Ct. App. 1967)~~]; *State v. Walsh*, 1969-NMCA-123, 81 N.M. 65, 463 P.2d 41[~~(Ct.~~

1 ~~App. 1969~~]. Although the amount of force is immaterial, the force or threatened use of force must  
2 be directly related to the separation of the property from the person of another. *See State v. Baca*,  
3 1971-NMCA-142, 83 N.M. 184, 489 P.2d 1182 [~~Ct. App. 1971~~]; *State v. Martinez*, 1973-  
4 NMCA-120, 85 N.M. 468, 513 P.2d 402 [~~Ct. App. 1973~~].

5 Theft, an element of robbery, requires an intent to steal, that is, the intent to permanently deprive  
6 the owner of ~~his~~their property. *State v. Puga*, 1973-NMCA-079, 85 N.M. 204, 510 P.2d 1075  
7 [~~Ct. App. 1973~~].

8 Some examples of decisions finding <sup>["</sup>“immediate control<sup>”</sup> of the property in the victim are:  
9 the defendant forced the store clerk to open the cash register and lie down on the floor, *People v.*  
10 *Day*, [~~256 Cal. App. 2d 83,~~] 63 Cal. Rptr. 677 (Cal. Ct. App. 1967); the property was taken from  
11 the victim<sup>[-]</sup>'s pants pockets some 10 feet from ~~his~~their bed, *Osborne v. State*, [~~200 Ga. 763,~~] 38  
12 S.E.<sup>[-]</sup>2d 558 (Ga. 1946); the goods were upstairs from the person who had custody of them, *State*  
13 *v. Cottone*, [~~52 N.J. Super. 316,~~] 145 A.2d 509 (N.J. Super. Ct. App. Div. 1958), petition for  
14 certification denied, [~~28 N.J. 527,~~] 147 A.2d 305 (1959); the victim was locked in the bathroom  
15 before the property was taken from the bedroom, *State v. Culver*, [109 N.J. Super. 108,] 262 A.2d  
16 422 (N.J. Super. Ct. App. Div. 1970); the victim was locked within a building by the defendant  
17 and the defendant took the property from the victim<sup>[']</sup>'s automobile outside the building, *Fields v.*  
18 *State*, 364 P.2d 723 (Okla. Crim. App. 1961).

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