

1 **14-1652. Possession of stolen vehicle; essential elements.**

2 For you to find the defendant guilty of possession of a stolen vehicle [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. The defendant had possession<sup>2</sup> of \_\_\_\_\_ (*describe vehicle in*  
6 *question*);

7 2. This vehicle had been stolen or unlawfully taken;

8 3. At the time the defendant had this vehicle in [~~his~~]their possession [~~he~~]defendant  
9 knew or had reason to know that this vehicle had been stolen or unlawfully taken;

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

12 USE NOTES

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

14 2. Use UJI 14-130 NMRA [”“Possession[”” defined, if possession is in issue.

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

17 **Committee commentary.** — [~~Section 66-3-505 NMSA 1978~~]NMSA 1978, Section 66-3-505

18 defines two separate offenses: receipt or transfer of a stolen vehicle and possession of a stolen  
19 vehicle. *State v. Wise*, 1973-NMCA-138, 85 N.M. 640, 515 P.2d 644[~~(Ct. App. 1973)~~]. The

20 offense of receipt or transfer of a stolen vehicle has the same elements as possession of a stolen  
21 vehicle, but requires an additional element of intent to procure or pass title. The committee was of

22 the opinion that since possession of a stolen vehicle includes the same conduct as the offense of  
23 receipt or transfer of a stolen vehicle the state would never charge the offense of receipt or transfer

1 of a stolen vehicle. An instruction for the offense of receipt or transfer of a stolen vehicle has  
2 therefore not been prepared.

3 UJI 14-1652 NMRA, Possession of stolen vehicle; essential elements, is to be given when the  
4 defendant is charged only with having possession of a stolen vehicle.

5 Although a person may be found guilty of [“stealing”] a motor vehicle without proof of an  
6 intent to permanently deprive the owner of [his]their property, as required for larceny, *see*  
7 *Kilpatrick v. Motors [Insurance Corporation] Ins. Corp.*, 1977-NMSC-019, 90 N.M. 199, 561 P.2d  
8 472[(-1977)], a person may not be found guilty of receiving a stolen vehicle unless the vehicle has  
9 been [“stolen.”] The committee was of the opinion that the phrase [“stolen or unlawfully  
10 taken without the owner’s consent”] includes any of the common law methods of  
11 [“stealing”] property as well as statutory unlawful taking of a motor vehicle, UJI 14-1660  
12 NMRA. This includes [“stealing”] by larceny, burglary, robbery (including armed robbery)  
13 and embezzlement. *See* LaFave & Scott, *Criminal Law* at 684.

14 In New Mexico a car thief can be convicted of both stealing the vehicle and [“receiving or  
15 disposing of the vehicle.”] *See State v. Tapia*, 1976-NMCA-042, 89 N.M. 221, 549 P.2d 636[  
16 (Ct. App. 1976)] and *State v. Eckles*, 1968-NMSC-079, 79 N.M. 138, 441 P.2d 36[(-1968)]  
17 (defendant convicted of both armed robbery and unlawful taking of a vehicle).

18 UJI 14-141 NMRA, General criminal intent, must also be given with this instruction. *See State v.*  
19 *Lopez*, 1972-NMCA-158, 84 N.M. 453, 504 P.2d 1086[(-Ct. App. 1972)] and *State v. Austin*, 1969-  
20 NMCA-095, 80 N.M. 748, 461 P.2d 230[(-Ct. App. 1969)].

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