

14-1612. Aggravated shoplifting.

For you to find the defendant guilty of aggravated shoplifting [as charged in Count _____]¹, the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. _____ (*name of defendant*) [took possession of] [concealed]² _____ (describe merchandise);
2. This merchandise was offered for sale to the public by _____ (*name of retailer or store*), a retailer³, located at _____ (*address of retailer or store*);
3. At the time _____ (*name of defendant*) took this merchandise, _____ (*name of defendant*) intended to take it without paying for it;
4. Immediately after shoplifting, _____ (*name of defendant*) [unlawfully]⁴ assaulted or struck at another⁵ with a [_____]⁶ [deadly weapon]. The defendant used a _____ (*name of instrument or object*). A _____ (*name of instrument or object*) is a deadly weapon only if you find that a _____ (*name of object*), when used as a weapon, could cause death or great bodily harm⁷⁸; and
5. _____ (*name of defendant*) acted with the intent to [retain possession of stolen property] [or] [effect an escape from the scene of an act of shoplifting]⁹;
6. This happened in New Mexico on or about the _____ day of _____, _____.

USE NOTES

1. Insert the count number if more than one count is charged.
 2. Use the applicable alternative form of shoplifting from UJI 14-1610 NMRA. If the defendant is charged with shoplifting by alteration or transfer in accordance with UJI 14-1611 NMRA, the elements for that theory of shoplifting should be given in place of or in addition to these alternatives.
 3. If there is an issue about whether a retailer was involved, UJI 14-1618 NMRA, the definition of “retailer,” must be given.
 4. If the “unlawfulness” of the act is in issue, UJI 14-132 NMRA is given. If the issue of “lawfulness” involves self-defense or defense of another, see UJI 14-5181 NMRA to UJI 14-5184 NMRA.
 5. The elements of assault should be given, see UJI 14-301 NMRA.
 6. Insert the name of the weapon. Use this alternative only if the deadly weapon is specifically listed in NMSA 1978, Section 30-1-12(B).
 7. UJI 14-131 NMRA, the definition of “great bodily harm,” must also be given.
 8. This alternative is given only if the object used is not specifically listed in NMSA 1978, Section 30-1-12(B).
 9. Use the applicable alternative.
- [Adopted by Supreme Court Order No. S-1-RCR-2025-00167, effective for all cases pending or filed on or after December 31, 2025.]