, the defendant in this case, has been charged with the crime of theft by receiving in the fourth degree.

To prove that the defendant committed this crime, the state must prove beyond a reasonable doubt each of the following elements:

(1) the defendant bought, received, retained, concealed, or disposed of stolen property;

(2) the defendant recklessly disregarded that the property was stolen; and

(3) the defendant intended to deprive another of the property or to appropriate the stolen property to himself, herself, or a third person who was not the rightful owner.

# USE NOTE

The following terms are defined in other instructions:

“appropriate” – 11.46.990

“deprive” – 11.46.990

“intentionally” - 11.81.900(a)

“property" - 11.81.900(b)

"receives” – 11.46.190(b)

"recklessly” - AS 11.81.900(a)

“stolen property” – 11.46.990

For determination of value, see 11.46.980.

*See Ace v. State*, 672 P.2d 159 (Alaska App. 1983), for a discussion of the third element.

 *See Andrew v. State*, 653 P.2d 1063 (Alaska App. 1982), for a discussion of the standard of "reckless disregard."

Theft in the Fourth Degree is defined as theft of property worth less than $250; however, any value will suffice. Because property having a greater value than $250 is not a defense, this instruction does not include the value element. *See* AS 11.81.615.