**T.P.I. – CRIM. 11.11**

**THEFT OF MAIL**

Any person who commits the offense of theft of mail is guilty of a crime.

For you to find the defendant guilty of this offense, the state must have proven beyond a reasonable doubt the existence of the following essential elements:

(1) that the defendant took mail from *[a residential mailbox] [the curtilage of a dwelling]*;

and

(2) that the defendant did not have the consent of the addressee;

and

(3) that the defendant intended to deprive the addressee of the mail.

"Addressee" means the person to whom a piece of mail is addressed.

“Curtilage” means the area surrounding a dwelling that is necessary, convenient and habitually used for family purposes and for those activities associated with the sanctity of a person's home.

"Deprive" means:

[(a) to withhold property from the owner permanently or for such a period of time as to substantially diminish the value or enjoyment of the property to the owner;] or

[(b) to withhold property or cause it to be withheld for the purpose of restoring it only upon payment of a reward or other compensation;] or

[(c) to dispose of property or use or transfer any interest in it under circumstances that make its restoration unlikely].

“Effective consent” means assent in fact, whether express or apparent, including assent by one legally authorized to act for another. Consent is not effective when:

[(a) induced by deception or coercion *[the trial judge should include in the instruction applicable language from the statutory definitions for deception or coercion**if fairly raised in the proof]*;] or

[(b) given by a person the defendant knows is not authorized to act as an agent;] or

[(c) given by a person who, by reason of youth, mental disease or defect, or intoxication, is known by the defendant to be unable to make reasonable decisions regarding the subject matter;] or

[(d) given solely to detect the commission of an offense].

“Intended” means that a person acts intentionally with respect to the nature of the conduct or to a result of the conduct when it is the person's conscious objective or desire to engage in the conduct or cause the result.

"Mail" means a letter, postal card, package, bag, or other sealed article

that:

(A) Is delivered by a common carrier or delivery service and not yet

received by the addressee; or

(B) Has been left to be collected for delivery by a common carrier or

delivery service.

[The trial judge should now instruct the jury with respect to fixing the value of the property obtained. See T.P.I. CRIM. -- 11.03(a).]