**8.140 POSSESSION OF STOLEN MAIL**

**(18 U.S.C. § 1708)**

 The defendant is charged in [Count \_\_\_\_\_\_\_ of] the indictment with possession of stolen mail in violation of Section 1708 of Title 18 of the United States Code. For the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

 First, [a letter] [a postal card] [a package] [a bag] [mail] was stolen from the [mail] [post office] [letter box] [a private mail box] [mail receptacle] [mail route] [authorized depository for mail matter] [mail carrier].

 Second, the defendant possessed the [letter] [postal card] [package] [bag] [mail] [*or specify an article or thing contained therein*]; and

 Third, the defendant knew that the [letter] [postal card] [package] [bag] [mail] was stolen.

**Comment**

 *See* Instruction 8.138 (Mail Theft).

 It is not necessary that the defendant knew the matter was stolen from the mail so long as the defendant knew that it was stolen. *Barnes v. United States,* 412 U.S. 837, 847 (1973).

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