**23.13 Embezzlement of Mail by Postal Employee**

**(18 U.S.C. § 1709)**

 The defendant is charged in [Count \_\_\_\_\_\_\_ of] the indictment with embezzling mail in violation of Section 1709 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, while working as a Postal Service employee, the defendant [was entrusted with] [came into possession of] the [letter] [postal card] [package] [bag] [mail];

 Second, the [letter] [postal card] [package] [bag] [mail] was intended to be conveyed by mail; and

 Third, the defendant embezzled the [letter] [postal card] [package] [bag] [mail] [*or specify an article or thing contained therein*].

**Comment**

 The government need not prove in a prosecution under 18 U.S.C. § 1709 that the defendant had the specific intent permanently to deprive the owner of the property. *United States v. Monday,* 614 F.3d 983, 985-86 (9th Cir. 2010).

*Revised June 2021*