**23.6 Interstate Transportation of Stolen Vehicle,**

**Vessel, or Aircraft (18 U.S.C. § 2312)**

The defendant is charged in [Count \_\_\_\_\_\_\_ of] the indictment with transportation of a stolen [motor vehicle] [vessel] [aircraft] in [interstate] [foreign] commerce in violation of Section 2312 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, the [motor vehicle] [vessel] [aircraft] was stolen;

Second, the defendant transported the [motor vehicle] [vessel] [aircraft] between [one state and another] [a foreign nation and the United States];

Third, the defendant knew the [motor vehicle] [vessel] [aircraft] had been stolen at the time the defendant transported it; and

Fourth, the defendant intended to permanently or temporarily deprive the owner of ownership of the [motor vehicle] [vessel] [aircraft].

[It is not necessary that the taking of the [motor vehicle] [vessel] [aircraft] be unlawful at the time of the taking. Even if possession is lawfully acquired, the [motor vehicle] [vessel] [aircraft] will be deemed “stolen” if the defendant thereafter forms the intent to deprive the owner of the rights and benefits of ownership and keeps the [motor vehicle] [vessel] [aircraft] for the defendant's own use.]

**Comment**

The elements stated in this instruction were identified by the Ninth Circuit in *United States v. Albuquerque*, 538 F.2d 277, 278 (9th Cir. 1976), and *Jones v. United States*, 378 F.2d 340, 341 (9th Cir. 1967).

The terms “motor vehicle,” “vessel,” and “aircraft” are defined in 18 U.S.C. § 2311.

Where a person lawfully obtains possession of a motor vehicle and later forms an intention to convert it to that person’s own use, and in furtherance of that intention transports it across state boundaries, a violation of the statute has occurred.  *United States v. Miles,* 472 F.2d 1145, 1146 (8th Cir. 1973) (per curiam).

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