**23.8 Interstate Transportation of Stolen Property**

**(18 U.S.C. § 2314)**

The defendant is charged in [Count \_\_\_\_\_\_\_ of] the indictment with the transportation of stolen property in [interstate] [foreign] commerce in violation of Section 2314 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 defendant [transported] [transmitted] [transferred] stolen [*specify property*] between [one state and another] [a foreign nation and the United States];

Second, at the time that the [*specify property*] crossed the [state] [country] border, the defendant knew it was stolen;

Third, the defendant intended to deprive the owner of the ownership of the [*specify property*] temporarily or permanently; and

Fourth, the money or property was of the value of $5,000 or more.

The government need not prove who stole the [*specify property*].

**Comment**

The government need not show by direct evidence that the property was stolen. *United States v. Drebin*, 557 F.2d 1316, 1328 (9th Cir. 1977).

In *United States v. Albuquerque*, 538 F.2d 277, 278 (9th Cir. 1976), it was held that one of the elements of the offense of interstate transportation of a stolen vehicle was that the defendant intended to permanently or temporarily deprive the owner of ownership.

Section 2314 creates several distinct crimes. This instruction only applies to interstate or foreign movement of stolen property