

23.10 Mail Theft (18 U.S.C. § 1708)

The defendant is charged in [Count _____ of] the indictment with mail theft 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, there was [[a letter] [a postal card] [a package] [a bag] [mail]] [[in the mail] [in a private mail box] [at a post office] [in a letter box] [in a mail receptacle] [in a mail route] [in an authorized depository for mail matter] [in possession of a letter or mail carrier]];

Second, the defendant took the [letter] [postal card] [package] [bag] [mail] from the [mail] [post office] [letter box] [private mail box] [mail receptacle] [mail route] [authorized depository for mail matter] [letter or mail carrier]; and

Third, at the time the defendant took the [letter] [postal card] [package] [bag] [mail], the defendant intended to deprive the owner, temporarily or permanently, of its use and benefit.

Comment

A jury may infer that the defendant stole an item of mail if a properly addressed and recently mailed item was never received by the addressee and was found in the defendant's possession. *See United States v. Ellison*, 469 F.2d 413, 415 (9th Cir. 1972).

Revised June 2021