, the defendant in this case, has been charged with the crime of vehicle theft in the first degree.

To prove that the defendant committed this crime, the state must prove beyond a reasonable doubt each of the following elements:

(1) the defendant knowingly drove, towed away, or took the [car] [truck] [motorcycle] [motor home] [bus] [aircraft] [watercraft] of another; and

(2) when the defendant initially drove, towed away, or took the [car] [truck] [motorcycle] [motor home] [bus] [aircraft] [watercraft], the defendant had no right to do so and no reasonable ground to believe the defendant had such a right.

#### USE NOTE

The following terms are defined in other instructions:

"aircraft" – 11.46.360(b)(1)

"knowingly" – 11.81.900(a)

"motorcycle" – 11.46.360(b)(3)

"watercraft" – 11.46.360(b)(4)

The "knowingly" mental state is included in the first element based on Dobberke v. State, 40 P.3d 1244 (Alaska App. 2002): "it is a felony to knowingly drive, tow away, or take a car belonging to another while having no right or reasonable belief in a right to do so." Id. at 1247 (emphasis added).