, the defendant in this case, has been charged with the crime of theft of services by deception, force, threat, or other means to avoid payment for the services.

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

(1) the defendant obtained services;

(2) the defendant obtained the services by [deception] [force] [threat] or other means to avoid payment for the services; and

(3) the defendant knew the services to be available only for compensation.

[If you find that the defendant absconded without paying for hotel, restaurant, or other services for which compensation is customarily paid immediately upon the receiving of them, then you may infer that the services were obtained by deception, but you are not required to make that inference.]

# USE NOTE

The following terms are defined in other instructions:

"deception" – 11.81.900(b)

"force" – 11.81.900(b)

"knowingly" - 11.81.900(b)

"obtain" – 11.46.990

"services" - 11.81.900(b)

"threat" – 11.81.900(b)

The language of the final bracketed paragraph is based on Brackhan v. State, 839 P.2d 414 (Alaska App. 1992).

Theft in the Fourth Degree is defined as theft of property worth less than $250; however, any value will suffice. Because property having a greater value than $250 is not a defense, this instruction does not include the value element. *See* AS 11.81.615.