, the defendant in this case, has been charged with the crime of theft of computer services in the fourth 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 obtained the use of computer time, a computer system, a computer program, a computer network, or any part of a computer system or network;

(2) the defendant’s use of the computer time, system, program, network or part of a system or network was unauthorized; and

(3) the defendant obtained the use with reckless disregard that the use was unauthorized.

# USE NOTE

The following terms are defined in other instructions:

"computer" – 11.46.990

"computer network" – 11.46.990

"computer program" – 11.46.990

"computer system" – 11.46.990

"obtain" – 11.46.990

"reckless disregard" - 11.46.190 #7

"services" - 11.81.900(b)

For determination of value, see AS 11.46.980.

"Reckless disregard" is defined in Andrew v. State, 653 P.2d 1063 (Alaska 1982).

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.