, the defendant in this case, has been charged with the crime of vehicle theft in the second 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 had custody of a propelled vehicle under a written agreement with the owner of the vehicle that included an agreement to return the vehicle to the owner at a specified time;

1. the defendant knowingly retained or withheld possession of the vehicle without the consent of the owner for so long a period beyond the time specified as to render the retention or possession of the vehicle an unreasonable deviation from the agreement; and

(3) the defendant had no right and no reasonable ground to believe the defendant had a right to retain or withhold possession of the propelled vehicle.

#### USE NOTE

The following terms are defined in other instructions:

"knowingly" – 11.81.900(a)

"possess" – 11.81.900(b)

"propelled vehicle" – 11.81.900(b)