, the defendant in this case, has been charged with the crime of theft of services by diversion.

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 control over the disposition of services of others to which the defendant was not entitled;

(2) the defendant knowingly diverted those services to the defendant's own benefit or to the benefit of another not entitled to them; and

(3) the defendant knew the defendant had no authority to divert the services in that way.

# USE NOTE

The following terms are defined in other instructions:

"knowingly" - 11.81.900(b)

"services" - 11.81.900(b)

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.