**2420 CIVIL THEFT: WIS. STAT. § 895.446 (Based on Conduct (Theft) Prohibited**

**by Wis. Stat. §943.20(1)(a))**

Theft is committed by one who intentionally (takes and carries away) (uses) (transfers) (conceals) (retains possession of)1 movable property of another without consent and with intent to deprive the owner permanently of possession of the property. In order to recover for a civil theft, (plaintiff) must prove by evidence that satisfies you to a reasonable certainty by the greater weight of the credible evidence that the following four elements were present:

First, that defendant intentionally took and carried away movable property of another.2

The term “intentionally” means the defendant must have had the mental purpose to take and carry away the property.3 You cannot look into a person’s mind to find intent and knowledge. Intent and knowledge must be found, if found at all, from the defendant’s acts, words, and statements, if any, and from all the facts and circumstances in this case bearing upon intent and knowledge.

“Movable property” means property whose physical location can be changed.4

Second, that the owner of the property did not consent5 to the taking and carrying away the property.

Third, that the defendant knew that the owner did not consent.6

Fourth, that the defendant intended to deprive the owner permanently of the possession of the property.

[Burden of Proof: Give Wis JI-Civil 200.]