

N.C.P.I.-Crim. 216.62
EMBEZZLEMENT BY INSURANCE [AGENTS] [BROKERS]
[ADMINISTRATORS]. FELONY.
GENERAL CRIMINAL VOLUME
JUNE 2010
N.C. Gen. Stat. § 58-2-162

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NOTE WELL: For offenses occurring on or after December 1, 1997, if the value of the money, negotiable instrument, or other consideration embezzled is \$100,000 or more, a violation is a Class C felony. If the value is less than \$100,000, a violation is a Class H felony. For offenses occurring before December 1, 1997, a violation is a Class H felony regardless of the value.

The defendant has been accused of embezzlement of \$100,000 or more by an insurance [agent] [broker] [administrator].

For you to find the defendant guilty of embezzlement of \$100,000 or more by an insurance [agent] [broker] [administrator], the State must prove three things beyond a reasonable doubt:

First, that the defendant was an insurance [agent] [broker] [administrator].

Second, that the defendant [embezzled]¹ [fraudulently converted to the defendant's own use] [[with the intent to use or embezzle [took] [secreted] [otherwise disposed of]] [[fraudulently [withheld] [appropriated] [lent] [invested] [used] [applied]]] any [money] [negotiable instrument] [other consideration] received by the defendant in the defendant's performance as an [agent] [broker] [administrator].

And Third, that the value of the [money] [negotiable instrument] [other consideration] was \$100,000 or more.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was an insurance [agent] [broker]

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[administrator], the defendant [embezzled] [[fraudulently converted to the defendant's own use] [[with the intent to use or embezzle [took] [secreted] [otherwise disposed of]] [fraudulently [withheld] [appropriated] [lent] [invested] [used] [applied]] any [money] [negotiable instrument] [other consideration] received by the defendant in the defendant's performance as an [agent] [broker] [administrator], and that the value of the [money] [negotiable instrument] [other consideration] was \$100,000 or more, it would be your duty to return a verdict of guilty. If you do not so find, or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

If you do not find the defendant guilty of embezzlement of \$100,000 or more by an insurance [agent] [broker] [administrator], you must determine whether the defendant is guilty of embezzlement of less than \$100,000 by an insurance [agent] [broker] [administrator].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant was an insurance [agent] [broker] [administrator], and that the defendant [embezzled] [fraudulently converted to the defendant's own use] [[with the intent to use or embezzle [took] [secreted] [otherwise disposed of]] [[fraudulently [withheld] [appropriated] [lent] [invested] [used] [applied]] any [money] [negotiable instrument] [other consideration] received by the defendant in the defendant's performance as an [agent] [broker] [administrator], it would be your duty to return a verdict of guilty. If you do not so find, or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

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1. Embezzlement is the fraudulent taking of personal property with which one has been entrusted. *Black's Law Dictionary* (8th ed. 2004)