

N.C.P.I.-Crim. 218.20
WILLFUL MISAPPLICATION OF CORPORATE MONEY, FUNDS OR CREDITS.
FELONY.
GENERAL CRIMINAL VOLUME
MAY 2003
N.C. Gen. Stat. § 14-254

218.20 WILLFUL MISAPPLICATION OF CORPORATE MONEY, FUNDS OR CREDITS. FELONY.

The defendant has been charged with willfully [embezzling] [abstracting] [misapplying] the [moneys] [funds] [credits] of a corporation with intent to defraud any person.

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that (*name corporation*) was a corporation.

Second, that the defendant was the [president] [director] [cashier] [teller] [clerk] [agent] of that corporation.

Third, that the defendant while acting in that capacity

a. [rightfully received [money] [funds] [credits] of the corporation and fraudulently and dishonestly used such [moneys] [funds] [credits] for some purpose other than that for which *he* received it.]

b. [took and withdrew corporation [money] [funds] [credits] from the possession and control of the corporation without the knowledge and consent of an authorized officer.]

c. [willfully converted [money] [funds] [credits] of the corporation to *his* or another's use, benefit, or gain.]

And Fourth, that in doing so, defendant intended to [injure] (or) [defraud] (or) [deceive] any [person] [corporation].¹

If you find from the evidence beyond a reasonable doubt that on or

about the alleged date, (*name corporation*) was a corporation, and that the defendant, while acting as [president] [director] [cashier] [teller] [clerk] [agent] of the corporation

a. [rightfully received [money] [funds] [credits] of the corporation and fraudulently and dishonestly used such [money] [funds] [credits] for some purpose other than that for which *he* received it];

b. [took and withdrew corporation [money] [funds] [credits] from the possession and control of the corporation without the knowledge and consent of an authorized officer];

c. [willfully converted [money] [funds] [credits] of the corporation to *his* or another's use, benefit, or gain];

and that the defendant thereby intended to [injure] (or) [defraud] (or) [deceive] any [person] [corporation], 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.²

1. The word "person" when used in this sense includes a natural person, association, consortium, corporation, body politic, partnership or other organization.

2. If there is to be instruction on a lesser included offense, the last phrase should be ". . . you will not return a verdict of guilty of (*describe conduct*)."
Embezzlement is a possible lesser included offense.