

N.C.P.I.-Crim. 219B.40
CREDIT CARD (FINANCIAL TRANSACTION CARD) FRAUD-CREDIT CARD
STOLEN, FORGED, FALSELY REPRESENTED, EXPIRED OR REVOKED.
FELONY; MISDEMEANOR.
GENERAL CRIMINAL VOLUME
APRIL 2003
N.C. Gen. Stat. § 14-113.13(a)(1), (2); (b)

219B.40 CREDIT CARD (FINANCIAL TRANSACTION CARD¹) FRAUD -
CREDIT CARD STOLEN, FORGED, FALSELY REPRESENTED, EXPIRED OR
REVOKED. FELONY; MISDEMEANOR.

The defendant has been charged with felonious credit card fraud.

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

First, that the defendant intended to defraud.²

Second, that *he* used a credit card which was (*describe deficiency*).³

Third, that *he* knew the credit card was (*describe deficiency*).

Fourth, that *he* used the credit card for the purpose of obtaining [money] [credit] [goods] [services] [something of value].

And Fifth, that (during a six-month period) the defendant thereby obtained more than \$500 worth of [money] [credit] [goods] [services] [something of value].

If you find from the evidence beyond a reasonable doubt that [on or about the alleged date] [between the alleged dates], the defendant with the intent to defraud used a credit card which *he* knew was (*describe deficiency*) for the purpose of obtaining [money] [credit] [goods] [services] [something of value] and that the defendant thereby obtained more than \$500 worth of [money] [credit] [goods] [services] [something of value], it would be your duty to return a verdict of guilty of felonious credit card fraud. However, if you do not so find or have a reasonable doubt as to one or more of these things, you will not return a verdict of guilty of felonious credit card fraud⁴ but must determine whether the

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defendant is guilty of non-felonious credit card fraud. Non-felonious credit card fraud differs from felonious credit card fraud in that the State need not prove that (during the six-month period) the defendant thereby obtained more than \$500 worth of [money] [credit] [goods] [services] [something of value].

If you find from the evidence beyond a reasonable doubt that [on or about the alleged date] [between the alleged dates], the defendant with the intent to defraud used a credit card which *he* knew was (*describe deficiency*) for the purpose of obtaining [money] [credit] [goods] [services] [something of value], it would be your duty to return a verdict of guilty of non-felonious credit card fraud. 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.

1. N.C. Gen. Stat. § 14-113.8(4) defines "financial transaction card" which includes a "credit card."

2. The victim can be the issuer, a person or organization providing money, goods, services or anything else of value, or any other person.

3. The deficiencies include a credit card obtained or retained in violation of N.C. Gen. Stat. § 14-113.9 or a forged, expired or revoked credit card.

4. If there is no lesser included charge, the last phrase should be, "it would be your duty to return a verdict of not guilty."