

N.C.P.I.-Crim. 219B.41
CREDIT CARD FRAUD-FALSE REPRESENTATION AS TO HOLDING OR
ISSUANCE OF CARD. FELONY; MISDEMEANOR.
GENERAL CRIMINAL VOLUME
MAY 2003
N.C. Gen. Stat. § 14-113.13(a)(2)

219B.41 CREDIT CARD FRAUD - FALSE REPRESENTATION AS TO HOLDING
OR ISSUANCE OF CARD. 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 used a credit card to obtain [money] [goods] [services] [things of value].

Second, that *he* falsely represented to the [person] [organization] from whom *he* obtained the [money] [goods] [services] [things of value] that *he* was the holder¹ of the credit card.

Third, that [the cardholder did not consent to this] [the credit card had not been issued].

Fourth, that (during a six month period) the defendant thereby obtained more than \$500 worth of [money] [goods] [services] [things of value)].

And Fifth, that the defendant intended to defraud;²

If you find from the evidence beyond a reasonable doubt that [on or about the alleged date] [between the alleged dates], the defendant used a credit card to obtain [money] [goods] [services] [things of value] by falsely representing to the [person] [organization] from whom *he* obtained the [money] [goods] [services] [things of value] that *he* was the holder of the credit card, that [the cardholder did not consent to this] [the credit card had not been issued] and, with the intent to defraud, the defendant obtained [money] [goods] [services] [things of value] worth

more than \$500.00, 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 fraud but must determine whether the defendant is guilty of non-felonious credit card fraud, which differs from felonious credit card fraud in that it is not necessary for the State to prove that (during a six month period) the defendant obtained more than \$500 worth of [money] [goods] [services] [things 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 used a credit card to obtain [money] [goods] [services] [things of value] by falsely representing to the [person] [organization] from whom *he* obtained the [money] [goods] [services] [things of value] that *he* was the holder of the credit card, that [the card holder did not consent to this] [the card had not been issued], and with the intent to defraud obtained [money] [goods] [services] [things 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, you will return a verdict of not guilty.³

1. "Cardholder" means the person or organization to whom or for whose benefit the credit card is issued by an issuer. N.C. Gen. Stat. § 14-113.8(a).

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. If there is not lesser included charge, the last phrase should be "it would be your duty to return a verdict of not guilty."