

N.C.P.I.-Crim. 219B.43
CREDIT CARD FRAUD-BY FURNISHER OF GOODS AND SERVICES. FELONY;
MISDEMEANOR.
GENERAL CRIMINAL VOLUME
APRIL 2003
N.C. Gen. Stat. § 14-113.13(b)(1)

219B.43 CREDIT CARD FRAUD - BY FURNISHER OF GOODS AND SERVICES. FELONY; MISDEMEANOR.

NOTE WELL: This statute is directed primarily at merchants dealing with credit card transactions.

The defendant has been charged with felonious credit card fraud.

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

First, that the credit card issuer¹ authorized the defendant, upon presentation of a credit card by the cardholder, to furnish [money] [goods] [services] [things of value].

Second, that the defendant intended to defraud the credit card issuer.

Third, that the defendant furnished [money] [goods] [services] [things of value] to a purchaser upon *his* presentation of the credit card.

Fourth, that the credit card was (*describe deficiency*).²

Fifth, that the defendant knew of this deficiency.

And Sixth, that (during a six month period) the defendant thereby defrauded the credit card issuer out of more than \$500.

If you find from the evidence beyond a reasonable doubt that [on or about the alleged date] [between the alleged dates], the defendant was authorized by the credit card issuer to furnish [money] [goods] [services] [things of value] and with the intent to defraud the credit card issuer the defendant furnished [money] [goods] [services] [things of value] to a

purchaser upon *his* presentation of the credit card which the defendant knew was (*describe deficiency*) and that (the defendant) defrauded the credit card issuer out of more than \$500, 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 fraud³ but must determine whether the 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 a six month period) the defendant defrauded the credit card issuer out of more than \$500.

If you find from the evidence beyond a reasonable doubt that [on or about the alleged date] [between the alleged dates], the defendant was authorized by the credit card issuer to furnish [money] [goods] [services] [things of value] and with the intent to defraud the credit card issuer the defendant furnished [money] [goods] [services] [things of value] to the purchaser upon *his* presentation of credit card which the defendant knew was (*describe deficiency*), 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 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.

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