

N.C.P.I.-Crim. 219B.44  
CREDIT CARD (FINANCIAL TRANSACTION CARD)-FRAUD BY  
MISREPRESENTATION TO ISSUER. FELONY; MISDEMEANOR.  
GENERAL CRIMINAL VOLUME  
APRIL 2003  
N.C. Gen. Stat. § 14-113.13(b)(2)  
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219B.44 CREDIT CARD (FINANCIAL TRANSACTION CARD<sup>1</sup>) - FRAUD BY  
MISREPRESENTATION TO ISSUER. 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 four things beyond a reasonable doubt:

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

Second, that the defendant represented in writing to the issuer that *he* had provided something of value to the cardholder(s) which *he* had not provided.

Third, that the defendant intended to defraud the [issuer] [cardholder].

And Fourth, that (during a six-month period) the difference in value between what the defendant actually furnished to the cardholder and what *he* represented in writing to the issuer of the card to have been furnished to the cardholder was greater 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, upon presentation of a credit card, was authorized by the credit card issuer to furnish [money] [credit] [goods] [services] [something of value] and with the intent to defraud the [issuer] [cardholder], the defendant represented in writing to the issuer that the defendant had furnished

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something of value to the cardholder(s) which *he* had not furnished, and that (during this period) the difference in value between what the defendant actually furnished to the cardholder(s) and what *he* represented in writing to the issuer of the card to have been furnished to the cardholder was greater 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 fraud<sup>2</sup> 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 difference in value between what the defendant actually furnished to the cardholder(s) and what *he* represented in writing to the issuer of the card to have been furnished to the cardholder was greater 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, upon presentation of a credit card, was authorized by the credit card issuer to furnish [money] [credit] [goods] [services] [something of value] and with the intent to defraud the [issuer] [cardholder], the defendant represented in writing to the issuer that the defendant had furnished something of value to the cardholder(s) which *he* had not furnished, 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.

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

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