

N.C.P.I.—Crim. 220.44
MAKING A MATERIALLY [FALSE] [MISLEADING] STATEMENT ABOUT
SUBSTANCE USE DISORDER TREATMENT SERVICES WITH THE INTENT TO
DEFRAUD. FELONY.
GENERAL CRIMINAL VOLUME
MARCH 2024
N.C. Gen. Stat. § 90-113.151(d)(4)

220.44 MAKING A MATERIALLY [FALSE] [MISLEADING] STATEMENT ABOUT
SUBSTANCE USE DISORDER TREATMENT SERVICES WITH THE INTENT TO
DEFRAUD. FELONY.

The defendant has been charged with making a materially [false] [misleading] statement about substance use disorder treatment services with the intent to defraud.

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

First, that the defendant knowingly¹ made a materially [false] [misleading] statement about substance use disorder treatment services.

And Second, that the defendant did so with the intent² to defraud another person.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly made a materially [false] [misleading] statement about substance use disorder treatment services with the intent to defraud another person (nothing else appearing),³ 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 both of these things, it would be your duty to return a verdict of not guilty.

1. A person acts “knowingly” when the person is aware or conscious of what he or she is doing.

2. For a definition of intent see N.C.P.I.—Crim. 120.10.

3. N.C. Gen. Stat. § 90-113.153 provides that this does not apply to “[a] general hospital licensed under Article 5 of Chapter 131E of the General Statutes” or “[a] hospital authority organized under Article 2 of Chapter 131E of the General Statutes.” See *State v. Carey*, 273 N.C. App. 593, 849 S.E.2d 111 (2020) (holding that the language “does not apply” is exculpatory, and is not an underlying element of the offense.”).