

N.C.P.I.-Crim. 220.85
EXPLOITATION OF [DISABLED] [OLDER] ADULT BY A PERSON IN A
[POSITION OF TRUST] [BUSINESS RELATIONSHIP WITH THE ADULT].
FELONY.
GENERAL CRIMINAL VOLUME
JUNE 2014
N.C. Gen. Stat. § 14-112.2(b),(d)

220.85 EXPLOITATION OF [DISABLED] [OLDER] ADULT. FELONY.

The defendant has been charged with the exploitation of a(n) [disabled] [older] adult by a person in a [position of trust] [business relationship with the adult].

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

First, that the defendant [stood in a position of trust and confidence with a(n) [disabled] [older] adult] [had a business relationship with a(n) [disabled]¹ [older]² adult].

Second, that the defendant knowingly [[deceived] [intimidated]] [[obtained] [used]] [endeavored to [obtain] [use]] a(n) [disabled] [older] adult's [funds] [assets] [property].

Third, that the defendant intended to [[temporarily] [permanently] deprive the [disabled] [older] adult of the [use] [benefit] [possession] of the [funds] [assets] [property]] [benefit someone other than the [disabled] [older] adult.

And Fourth, that the [funds] [assets] [property] involved in the exploitation of the [disabled] [older] adult were valued at [one hundred thousand dollars (\$100,000) or more]³ [twenty thousand dollars (\$20,000) or more but less than one hundred thousand dollars (\$100,000)]⁴ [less than twenty thousand dollars (\$20,000)]⁵.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [stood in a position of trust and confidence with a(n) [disabled] [older] adult] [had a business relationship with a(n) [disabled]⁶ [older]⁷ adult], and knowingly [[deceived]

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[intimidated]] a(n) [disabled] [older] adult [[obtained] [used]] [endeavored to [obtain] [use]] a(n) [disabled] [older] adult's [funds] [assets] [property] intending to [[temporarily] [permanently] deprive the [disabled] [older] adult of the [use] [benefit] [possession] of the [funds] [assets], and the [funds] [assets] [property] were valued at [one hundred thousand dollars (\$100,000 or more)] [twenty thousand dollars (\$20,000) or more but less than \$100,000] [less than twenty thousand dollars (\$20,000)], then 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 more of these things, it would be your duty to return a verdict of not guilty.

1 For purposes of this section, a disabled adult is a person 18 years of age or older or a lawfully emancipated minor who is present in the State of North Carolina and who is physically or mentally incapacitated as defined in N.C. Gen. Stat. § 108A-101(d).

2 For purposes of this section, an older adult is a person 65 years of age or older.

3 If the value is one hundred thousand dollars (\$100,000) or more, then the offense is a Class F felony.

4 If the value is twenty thousand dollars (\$20,000) or more but less than one hundred thousand dollars (\$100,000) then the offense is a Class G felony.

5 If the value is less than twenty thousand dollars (\$20,000) then the offense is a Class H felony.

6 For purposes of this section, a disabled adult is a person 18 years of age or older or a lawfully emancipated minor who is present in the State of North Carolina and who is physically or mentally incapacitated as defined in N.C. Gen. Stat. § 108A-101(d).

7 For purposes of this section, an older adult is a person 65 years of age or older.