

274.10 MISDEMEANOR MISREPRESENTATION IN OBTAINING PUBLIC ASSISTANCE. MISDEMEANOR.

NOTE WELL: This instruction is to be used in Aid to Families With Dependent Children matters.

The defendant has been charged with misdemeanor misrepresentation in obtaining public assistance.

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

First, that the defendant [made a [statement] [representation]] [failed to disclose a fact] to (*name public agency*).

Second, that such [[statement] [representation] was false] [undisclosed fact was material to the defendant's eligibility for public assistance.]

Third, that the defendant [made such [statement] [representation]] [failed to disclose such material fact] willfully and knowingly with the intent to deceive.

Fourth, that as a result of [making such [statement] [failing to disclose such fact]], the defendant [obtained]¹ [attempted to obtain]² [continued to receive] public assistance.

And Fifth, that the defendant was not entitled to receive such public assistance.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant willfully and knowingly with intent to deceive [made a [statement] [representation] that was false] [failed to disclose a fact material to the defendant's eligibility for public assistance] to (*name public agency*) and that as a result the defendant [received] [attempted to receive] [continued to receive] public assistance to which he

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was not entitled, it would be your duty to return a verdict of guilty. If you do not so find, or if you 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. G.S. § 108A-24 defines “recipient” as “a person to whom or on whose behalf assistance is granted under this Article.”

2. For Attempt, see N.C.P.I.—Crim. 201.10.