

274.23 FELONIOUSLY OBTAINING FOOD STAMPS BY
MISREPRESENTATION—AIDING AND ABETTING. FELONY; MISDEMEANOR.

NOTE WELL: In the event that the transfer of food stamps or authorization cards with intent to deceive, adjust the charge accordingly.

The defendant has been charged with feloniously aiding and abetting another in [obtaining] [attempting to obtain] food stamps by misrepresentation.

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

First, that (*name person*) knowingly [obtained] [attempted to obtain] food stamps.

Second, that (*name person*) willfully [obtained] [attempted to obtain] the food stamps by means of [making false statements or representations] [impersonation] [failure to disclose a material fact].

Third, that (*name person*) was not entitled to the food stamps.

Fourth, that the defendant knowingly aided and abetted (*name person*) in [obtaining] [attempting to obtain] the food stamps.

NOTE WELL: Incorporate here the proper portions of N.C.P.I.—Crim. 202.20A. For a person to be guilty of aiding and abetting the State must prove beyond a reasonable doubt that the crime was committed by another person, that the defendant knowingly [advised] [instigated] [encouraged] [procured] [aided] the other person(s) to commit that crime (A person is not guilty of a crime merely because he is present at the scene, even though he may silently approve of the crime or secretly intend to assist in its commission. To be guilty he must aid or actively encourage the person committing the crime, or in some way communicate to this person his intention to assist in its commission.), and that the defendant's actions or statements caused or contributed to the commission of the crime by that other person.

And Fifth, that the value of the food stamps which (*name person*) thereby [obtained] [attempted to obtain] and to which (*name person*) was not entitled was more than \$400.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date (*name person*) knowingly and willfully [obtained] [attempted to obtain] food stamps to which he was not entitled by means of a(n) [false statement] [impersonation] [failure to disclose a material fact] and that the defendant knowingly aided and abetted (*name person*) in [obtaining] [attempting to obtain] the food stamps and that the value of the food stamps (*name person*) [obtained] [attempted to obtain] was more than \$400, it would be your duty to return a verdict of guilty of feloniously aiding and abetting another in obtaining food stamps by misrepresentation.

If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of this offense but would consider whether the defendant is guilty of misdemeanor aiding and abetting another in obtaining food stamps by misrepresentation.

The misdemeanor differs from the felony only in that the State need not prove that the value of the food stamps (*name person*) [obtained] [attempted to obtain] to which he was not entitled was more than \$400.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date (*name person*) knowingly and willfully [obtained] [attempted to obtain] food stamps to which he was not entitled by means of a(n) [false statement] [impersonation] [failure to disclose a material fact], and that the defendant knowingly aided and abetted (*name person*) in [obtaining] [attempting to obtain] the food stamps it would be your duty to return a verdict of guilty of misdemeanor aiding and abetting another in obtaining food stamps by misrepresentation.

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.