220.38A. MONEY LAUNDERING INVOLVING A VALUE OF $100,000 OR MORE. FELONY.

> *NOTE WELL: If the value of the proceeds or funds exceeds ten thousand dollars ($10,000) but is less than one hundred thousand dollars ($100,000) use N.C.P.I.—CRIM 220.38.*

The defendant has been charged with money laundering involving a value of one hundred thousand dollars ($100,000) or more.

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

First, that the defendant

a. [[[Acquired] [maintained] an interest in] [concealed] [possessed] [transferred] [transported] the proceeds of criminal activity[1].]

b. [[Conducted] [supervised] [facilitated] a transaction[2] involving the proceeds of criminal activity.]

c. [[[Invested] [expended] [received]] [offered to [invest] [expend] [receive]] [the proceeds of criminal activity] [funds that the defendant believed were the proceeds of criminal activity].]

d. [[Financed] [invested] [intended to [finance] [invest]]] funds[3] that the defendant believed were intended to further the commission of criminal activity[4].

e. [[[[Used] [transported] [transmitted] [transferred]] [[conspired to [use] [transport] [transmit] [transfer]] [attempted to [[use] [transport] [transmit] [transfer]] the proceeds of criminal activity to [conduct] [attempt to conduct] [[a transaction] [make other disposition]] with the intent to [[conceal] [disguise]] the [[nature] [location] [source] [ownership] [control]] of the proceeds of criminal activity.]

f. [Used the proceeds of criminal activity with the intent to promote [in whole] [in part] the commission of criminal activity.]

g. [[Conducted] [attempted to conduct] a transaction involving the proceeds of criminal activity, knowing the property involved in the transaction constituted proceeds of criminal activity with the intent to avoid a transaction reporting requirement under federal law.]

Proceeds of criminal activity are funds [[acquired] [derived [directly] [indirectly]] from] [[produced] [realized] through] [used in] the commission of criminal activity.

Second, that the defendant acted knowingly and willfully.

And Third, the proceeds of [criminal activity] [funds] involved [alone] [aggregated[5]] were one hundred thousand dollars ($100,000) or more.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly and willfully

a. [[[Acquired] [maintained] an interest in] [concealed] [possessed] [transferred] [transported] the proceeds of criminal activity.]

b. [[Conducted] [supervised] [facilitated] a transaction involving the proceeds of criminal activity.]

c. [[[Invested] [expended] [received]] [offered to [invest] [expend] [receive]] [the proceeds of criminal activity] [funds that the defendant believed were the proceeds of criminal activity].]

d. [[Financed] [invested] [intended to [finance] [invest]]] funds that the defendant believed were intended to further the commission of criminal activity.

e. [[[[Used] [transported] [transmitted] [transferred]] [[conspired to [use] [transport] [transmit] [transfer]] [attempted to [[use]

[transport] [transmit] [transfer]] the proceeds of criminal activity to [conduct] [attempt to conduct] [[a transaction] [make other disposition]] with the intent to [[conceal] [disguise]] the [[nature] [location] [source] [ownership] [control]] of the proceeds of criminal activity.]

f. [Used the proceeds of criminal activity with the intent to promote [in whole] [in part] the commission of criminal activity.]

g. [[Conducted] [attempted to conduct] a transaction involving the proceeds of criminal activity, knowing the property involved in the transaction constituted proceeds of criminal activity with the intent to avoid a transaction reporting requirement under federal law.]

and the proceeds of [criminal activity] [funds] involved [alone] [aggregated] were one hundred thousand dollars ($100,000) or more, 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 you would find the defendant not guilty[6].

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1. *See* N.C. Gen. Stat. § 14-118.8(a)(5) for a definition of "proceeds of criminal activity."

2. *See* N.C. Gen. Stat. § 14-118.8(a)(6) for a definition of "transaction."

3. *See* N.C. Gen. Stat. § 14-118.8(a)(3) for a definition of "funds."

4. *See* N.C. Gen. Stat. § 14-118.8(a)(1) for a definition of "criminal activity."

5. N.C. Gen. Stat. § 14-118.8(g) provides that aggregation is appropriate when "the proceeds of criminal activity are related to one scheme or continuing course of conduct, whether from the same or several sources."

6. If there is to be instruction on lesser included offenses, the last phrase should be: "…you will not return a verdict of guilty of money laundering involving a value of one hundred thousand ($100,000) or more, but would consider money laundering involving a value exceeding ten thousand dollars ($10,000)." The jury would be instructed pursuant to N.C.P.I-Crim. 220.38.