

N.C.P.I.—CRIM 219.50A
WORTHLESS CHECK-INSUFFICIENT FUNDS (LESS THAN \$2,000).
MISDEMEANOR.
GENERAL CRIMINAL VOLUME
JUNE 2014
N.C. Gen. Stat. § 14-107(a), (d)(1)

219.50A WORTHLESS CHECK—INSUFFICIENT FUNDS (LESS THAN
\$2,000.00). MISDEMEANOR.

NOTE WELL: A violation of this section is a Class 2 misdemeanor. However, if the defendant has been convicted three times of violating this statute, he shall on the fourth and all subsequent convictions be punished as for a Class 1 misdemeanor and be ordered, as a condition of probation, to refrain from maintaining a checking account or making or uttering a check for three years. See N.C. Gen. Stat. § 15A-928(c).

The defendant has been charged with [drawing] [uttering] a worthless check drawn on an account with insufficient funds.

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

First, that the defendant [drew, that is, signed and delivered] [uttered, that is, offered to another], a check.¹

Second, that the [[defendant] [person who drew the check]] [did not, at the time the check was drawn, have sufficient funds on deposit or credit with the banking institution upon which the check was drawn to pay the check upon presentation] [had previously presented the [check] [draft] for the payment of money or its equivalent].

(And) Third, that the defendant knew that the check was drawn on insufficient funds.

NOTE WELL: Use the fourth element if the defendant denies a previous conviction or remains silent. If the defendant admits the previous convictions, omit the fourth element. See N.C.

¹ A check is a present unconditional order to a [bank] [financial institution] to pay a certain sum of money to the order of a named person or to the bearer of the instrument. If the defendant argues that the check was post-dated, see *S. v. Crawford*, 198 N.C. 522 (1930).

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(And Fourth, that the defendant had been convicted of three (or more) offenses involving worthless checks before the date of this offense.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [drew] [uttered] a check, knowing that [[the defendant] [the drawer]] [did not, at the time the check was drawn, have sufficient funds on deposit or credit with the banking institution upon which the check was drawn to pay the check on presentation] [had previously presented the [check] [draft] for the payment of money or its equivalent], (and that the defendant had been convicted of three (or more) offenses involving worthless checks before the date of this offense), 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.