

CREDIT CARD (FINANCIAL TRANSACTION CARD)<sup>1</sup> THEFT--BUYING A CREDIT CARD. FELONY. G.S. 14-113.9(a)(3).

NOTE WELL: *The contradiction in terms making the unlawful selling or buying the credit card a "theft" is as the statute dictates.*

The defendant has been charged with credit card theft by unlawfully buying a credit card.

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

First, that the defendant bought a (*describe credit card*)<sup>2</sup> from another.

And Second, that the defendant bought the card from a person other than the [issuer] [authorized agent of the credit card issuer].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant bought a credit card from a person other than the issuer or its authorized agent, 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.

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<sup>1</sup>G.S. 14-113.8(4) defines "financial transaction card" which includes a "credit card."

<sup>2</sup>Describe card so as to indicate who is the issuer; that is, the business organization or financial institution or its duly authorized agent that issued the financial transaction card. G.S. 14-113.8(5).

