

CREDIT CARD FRAUD--FALSE REPRESENTATION AS TO HOLDING OR ISSUANCE OF CARD. G.S. 14-113.13(a)(2). FELONY; MISDEMEANOR.

The defendant has been charged with felonious credit card fraud.

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

First, that the defendant used a credit card to obtain [money] [goods] [services] [things of value].

Second, that he falsely represented to the [person] [organization] from whom he obtained the [money] [goods] [services] [things of value] that he was the holder<sup>1</sup> of the credit card.

Third, that [the cardholder did not consent to this] [the credit card had not been issued].

Fourth, that (during a six month period) the defendant thereby obtained more than \$500 worth of [money] [goods] [services] [things of value)].

And Fifth, that the defendant intended to defraud;<sup>2</sup>

If you find from the evidence beyond a reasonable doubt that [on or about the alleged date] [between the alleged dates], the defendant used a credit card to obtain [money] [goods] [services] [things of value] by falsely representing to the [person] [organization] from whom he obtained the [money] [goods] [services] [things of value] that he was the holder of the credit

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<sup>1</sup>"Cardholder" means the person or organization to whom or for whose benefit the credit card is issued by an issuer. G.S. 14-113.8(a).

<sup>2</sup>The victim can be the issuer, a person or organization providing money, goods, services or anything else of value, or any other person.

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card, that [the cardholder did not consent to this] [the credit card had not been issued] and, with the intent to defraud, the defendant obtained [money] [goods] [services] [things of value] worth more than \$500.00, it would be your duty to return a verdict of guilty of felonious credit card fraud. However, if you do not so find or have a reasonable doubt as to one or more of these things, you will not return a verdict of guilty of felonious credit card fraud but must determine whether the defendant is guilty of non-felonious credit card fraud, which differs from felonious credit card fraud in that it is not necessary for the State to prove that (during a six month period) the defendant obtained more than \$500 worth of [money] [goods] [services] [things of value].

If you find from the evidence beyond a reasonable doubt that [on or about *the alleged date*] [between the alleged dates], *the defendant* used a credit card to obtain [money] [goods] [services] [things of value] by falsely representing to the [person] [organization] from whom he obtained the [money] [goods] [services] [things of value] that he was the holder of the credit card, that [the card holder did not consent to this] [the card had not been issued], and with the intent to defraud obtained [*money*] [*goods*] [*services*] [*things of value*], it would be your duty to

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return a verdict of guilty of non-felonious credit card fraud. If  
you do not so find or have a reasonable doubt as to one or more of  
these things, you will return a verdict of not guilty.<sup>3</sup>

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<sup>3</sup>If there is not lesser included charge, the last phrase should be "it  
would be your duty to return a verdict of not guilty."

