

CREDIT CARD FRAUD--WHERE DEFENDANT HELD OR CONTROLLED CARD AS SECURITY FOR DEBT. G.S. 14-113.13(a)(3). 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 four things beyond a reasonable doubt:

First, that the defendant obtained control over a *credit card* as security for a *debt*.

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

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

And Fourth, that the defendant intended to defraud.

Final Mandate on All Charges and Defenses

If you find from the evidence beyond a reasonable doubt that [on or about the alleged date] [between the alleged dates] the defendant obtained control over a credit card as security for a debt, that he falsely represented to the [person] [organization] from whom he obtained [money] [goods] [services] [things of value] that he was the holder of the credit card, and that (during a six month period and with the intent to defraud) the defendant obtained more than \$500 worth of [money] [goods] [services] [things of value] by use of the credit card, it would

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be your duty to return a verdict of guilty of 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 not return a verdict of guilty of felonious credit card fraud, but you must determine whether he is guilty of non-felonious credit card fraud. Non-felonious credit card fraud differs from felonious credit card fraud in that State need not 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 obtained control over a credit card as security for a debt, that he falsely represented to the [person] [organization] from whom he obtained [money] [goods] [services] [things of value] that he was the holder of the credit card, and that (during a six month period) the defendant obtained [money] [goods] [services] [things of value] by use of the credit card, it would be your duty to 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 would return a verdict of not guilty.