

CREDIT CARD FRAUD--BY FURNISHER OF GOODS AND SERVICES.
G.S. 14-113.13(b)(1). FELONY; MISDEMEANOR.

NOTE WELL: *This statute is directed primarily at merchants dealing with credit card transactions.*

The defendant has been charged with felonious credit card fraud.

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

First, that the credit card issuer¹ authorized the defendant, upon presentation of a credit card by the cardholder, to furnish [money] [goods] [services] [things of value].

Second, that the defendant intended to defraud the credit card issuer.

Third, that the defendant furnished [money] [goods] [services] [things of value] to a purchaser upon his presentation of the credit card.

Fourth, that the credit card was (describe deficiency).²

Fifth, that the defendant knew of this deficiency.

And Sixth, that (during a six month period) the defendant thereby defrauded the credit card issuer out of more than \$500.

If you find from the evidence beyond a reasonable doubt that [on or about the alleged date] [between the alleged dates], the

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

²The deficiencies include a credit card obtained or retained in violation of G.S. 14-113.9 or a forged, expired, or revoked credit card.

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defendant was authorized by the credit card issuer to furnish [money] [goods] [services] [things of value] and with the intent to defraud the credit card issuer the defendant furnished [money] [goods] [services] [things of value] to a purchaser upon his presentation of the credit card which the defendant knew was (*describe deficiency*) and that (the defendant) defrauded the credit card issuer out of more than \$500, 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 fraud³ but must determine whether the defendant is guilty of non-felonious credit card fraud. Non-felonious credit card fraud differs from felonious credit card fraud in that the State need not prove that (during a six month period) the defendant defrauded the credit card issuer out of more than \$500.

If you find from the evidence beyond a reasonable doubt that [on or about the alleged date] [between the alleged dates], the defendant was authorized by the credit card issuer to furnish [money] [goods] [services] [things of value] and with the intent to defraud the credit card issuer the defendant furnished [money] [goods] [services] [things of value] to the purchaser upon his presentation of credit card which the defendant knew was

³If there is no lesser included charge, the last phrase should be "it would be your duty to return a verdict of not guilty."

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(describe deficiency), 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, it would be your duty to return a verdict of not guilty.

