

PRESENTING A FALSE STATEMENT TO DENY BENEFIT OF INSURANCE POLICY.
FELONY. G.S. 58-2-161(b)(1).

NOTE WELL: Use this instruction when the defendant presents a false statement and the insurance claimant is the one injured.

The defendant has been charged with presenting a false statement under an insurance policy with the intent to defraud an insurance claimant.

Now I charge for you to find the defendant guilty of this offense, the State must prove five things beyond a reasonable doubt:

First, that an insurance [policy] [coverage] existed between (name [insured] [insurance claimant]) and (name insurer).

Second, that the defendant [presented] [caused to be presented] a [written] [oral] statement¹ in opposition to a claim for [payment] [a benefit] pursuant to the insurance [policy] [coverage].

Third, that the statement contained false or misleading information concerning a fact or a matter material to the claim.

Fourth, that the defendant knew the statement contained false or misleading information concerning a fact or matter material to the claim.

And Fifth, that the defendant acted with the intent² to

¹For a definition of "statement" see N.C.G.S.--Crim. 58-2-161(b)(2).

²For a definition of "intent" see N.C.P.I.--Crim. 120.10.

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[injure] [defraud] [deceive] (*name insurance claimant*).

So I charge that if you find from the evidence beyond a reasonable doubt that on or about the alleged date an insurance [policy] [coverage] existed between (*name [insured] [insurance claimant]*) and (*name insurer*), and that the defendant knowingly and with the intent to [injure] [defraud] [deceive] (*name insurance claimant*) [presented] [caused to be presented] a statement or misleading information concerning a fact or matter material to the claim in opposition to [payment of the claim] [some benefit to be obtained under the policy], it would be your duty to return a verdict of guilty. However, 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.