

MAKING (OR PARTICIPATING IN) A FALSE STATEMENT TO DENY BENEFIT OF INSURANCE POLICY. FELONY. G.S. 58-2-161(b)(2).

NOTE WELL: Use this instruction when the defendant is not the presenter of the false statement and the insurance claimant is the one injured.

The defendant has been charged with [assisting] [abetting] [soliciting] [conspiring with]<sup>1</sup> another person to falsely [prepare] [make] a [written] [oral] statement<sup>2</sup> that is intended to be presented to an [insurer] [insurance claimant] [in connection with] [in opposition to] a claim for [payment] [a benefit] pursuant to the policy.

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

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

Second, that the defendant [assisted] [abetted] [solicited] [conspired with] another person to [prepare] [make] a [written] [oral] statement.

Third, that this statement was intended to be presented to (name [insurer] [insurance claimant]) [in connection with] [in

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<sup>1</sup>For further definitions of "aiding and abetting" see N.C.P.I.--Crim. 202.20, of "solicitation" see N.C.P.I.--Crim. 201.20, of "conspiracy" see N.C.P.I.--Crim. 202.80.

<sup>2</sup>For a definition of "statement" see N.C.G.S. 58-2-161(b)(2).

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opposition to] a claim for [payment] [a benefit] pursuant to the policy.

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

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

And Sixth, that the defendant acted with the intent<sup>3</sup> to [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) [assisted] [abetted] [solicited] [conspired with] another person to [prepare] [make] a [written] [oral] statement, that the statement was intended to be presented to (name [insurer] [an insurance claimant] [in connection with] [in opposition to] a claim for [payment] [a benefit pursuant to the policy] and that statement contained false or misleading information concerning a fact or matter material to the claim, it would be your duty to return a verdict of guilty. However, if

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<sup>3</sup>For a definition of "intent" see N.C.P.I.--Crim. 120.10.

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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.

