

MISDEMEANOR MISREPRESENTATION IN OBTAINING PUBLIC ASSISTANCE.
G.S. 108A-39(a). MISDEMEANOR.

NOTE WELL: *This instruction is to be used in Aid to Families With Dependent Children matters.*

The defendant has been charged with misdemeanor misrepresentation in obtaining public assistance.

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

First, that the defendant [made a [statement] [representation]] [failed to disclose a fact] to (*name public agency*).

Second, that such [[statement] [representation] was false] [undisclosed fact was material to the defendant's eligibility for public assistance.]

Third, that the defendant [made such [statement] [representation]] [failed to disclose such material fact] willfully and knowingly with the intent to deceive.

Fourth, that as a result of [making such [statement] [failing to disclose such fact]], the defendant [obtained]¹ [attempted to obtain]² [continued to receive] public assistance.

And Fifth, that the defendant was not entitled to receive such public assistance.

¹G.S. § 108A-24 defines "recipient" as "a person to whom or on whose behalf assistance is granted under this Article."

²For Attempt, see N.C.P.I.--Crim. 201.10.

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If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant willfully and knowingly with intent to deceive [made a [statement] [representation] that was false] [failed to disclose a fact material to the defendant's eligibility for public assistance] to (*name public agency*) and that as a result the defendant [received] [attempted to receive] [continued to receive] public assistance to which he was not entitled, it would be your duty to return a verdict of guilty. If you do not so find, or if you have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.