

FELONIOUSLY OBTAINING FOOD STAMPS BY MISREPRESENTATION--MORE THAN \$400. G.S. 108A-53(a). FELONY; MISDEMEANOR.

NOTE WELL: *In the event that the offense charged is the transfer of food stamps or authorization cards with intent to defraud, adjust the charge accordingly.*

The defendant has been charged with feloniously obtaining food stamps by misrepresentation.

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

First, that the defendant knowingly [obtained] [attempted to obtain] food stamps.

Second, that the defendant willfully [obtained] [attempted to obtain] the food stamps by means of [making false statements or representations] [impersonation] [failure to disclose material facts].

Third, that the defendant was not entitled to the food stamps.

And Fourth, that the value of the food stamps the defendant [obtained] [attempted to obtain] and to which he was not entitled was more than \$400.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant willfully and knowingly [obtained] [attempted to obtain] food stamps to which he was not entitled by means of a(n) [false statement] [impersonation] [failure to disclose a material fact] and that the value of the food stamps the defendant [obtained] [attempted

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to obtain] was more than \$400, it would be your duty to return a verdict of guilty of feloniously obtaining food stamps by misrepresentation. If you do not so find or have a reasonable doubt as to one or more of these things, you would not return a verdict of guilty of this offense, but would consider whether the defendant is guilty of misdemeanor obtaining food stamps by misrepresentation.

The misdemeanor differs from the felony only in that the State need not prove that the value of the food stamps which the defendant [obtained] [attempted to obtain] was more than \$400.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant willfully and knowingly [obtained] [attempted to obtain] food stamps to which he was not entitled by means of a(n) [false statement] [impersonation] [failure to disclose a material fact], it would be your duty to return a verdict of guilty of misdemeanor obtaining food stamps by misrepresentation. 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.