

WILLFUL MISAPPLICATION OF CORPORATE MONEY, FUNDS OR CREDITS.
FELONY. G.S. 14-254.

The defendant has been charged with willfully [embezzling] [abstracting] [misapplying] the [moneys] [funds] [credits] of a corporation with intent to defraud any person.

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

First, that (*name corporation*) was a corporation.

Second, that the defendant was the [president] [director] [cashier] [teller] [clerk] [agent] of that corporation.

Third, that the defendant while acting in that capacity

^a[rightfully received [money] [funds] [credits] of the corporation and fraudulently and dishonestly used such [moneys] [funds] [credits] for some purpose other than that for which he received it.]

^b[took and withdrew corporation [money] [funds] [credits] from the possession and control of the corporation without the knowledge and consent of an authorized officer.]

^c[willfully converted [money] [funds] [credits] of the corporation to his or another's use, benefit, or gain.]

And Fourth, that in doing so, defendant intended to [injure] (or) [defraud] (or) [deceive] any [person] [corporation].¹

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, (*name corporation*) was a

¹The word "person" when used in this sense includes a natural person, association, consortium, corporation, body politic, partnership or other organization.

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corporation, and that the defendant, while acting as [president]
[director] [cashier] [teller] [clerk] [agent] of the corporation
 ^a[rightfully received [money] [funds] [credits] of the
corporation and fraudulently and dishonestly used such [money]
[funds] [credits] for some purpose other than that for which he
received it];

^b[took and withdrew corporation [money] [funds] [credits]
from the possession and control of the corporation without the
knowledge and consent of an authorized officer];

^c[willfully converted [money] [funds] [credits] of the
corporation to his or another's use, benefit, or gain];
and that the defendant thereby intended to [injure] (or)
[defraud] (or) [deceive] any [person] [corporation], it would be
your duty to return a verdict of guilty. 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.²

²If there is to be instruction on a lesser included offense, the last phrase should be ". . . you will not return a verdict of guilty of (*describe conduct*).". Embezzlement is a possible lesser included offense.