

N.C.P.I.—Crim—218.30

[MISAPPLICATION] [EMBEZZLEMENT] OF BANK FUNDS. FELONY.

CRIMINAL VOLUME

JUNE 2013

N.C. Gen. Stat. § 53C-8-11.

218.30 [MISAPPLICATION] [EMBEZZLEMENT] OF BANK FUNDS. FELONY.

The defendant has been charged with the [misapplication] [embezzlement] of bank funds.

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

First, that defendant had the intent

- a) [to [defraud] [injure] a [bank] [(describe other person)]]
- b) [to deceive an [officer of a bank] [employee of the Office of the Commissioner of Banks appointed to examine the affairs of the bank]];

Second, that the defendant

- a) [[embezzled] [converted] [misapplied] any of the [money] [funds] [credit] [property] of the bank, whether owned by it or held in a trust]
- b) [[[issued] [put forth] a certificate of deposit]] [[drew an [order] [bill of exchange]] [made an acceptance] [[assigned a [note] [bond] [draft] [bill of exchange] [mortgage] [judgment] [decree]] [[fictitiously [borrowed] [solicited] [obtained] [received] money for a bank not in good faith]]]

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- c) [[[made] [permitted to be made] a false entry in a record of a bank]] [[concealed] [permitted to be concealed]], by any means or manner, the true and correct entries in a bank record]
- d) [[knowingly [made an extension of credit] [permitted an extension of credit] by a bank to [an insolvent person] [a person who has ceased to exist] [a person who never existed] [[upon collateral consisting of [stocks] [bonds] of an [insolvent] [nonexistent] person]]]
- e) [[made] [published] [[knowingly permitted to be [made] [published]]] a false [report] [statement] [certificate] as to the true financial condition of a bank];

And Third, the [money] [funding] [credit] [property] involved in the transaction had a [value of \$100,000 or more] [value of less than \$100,000].¹

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant had the intent

- a) [to [defraud] [injure] a [bank] [(*describe other person*)]]
- b) [to deceive an [officer of a bank] [employee of the Office of the Commissioner of Banks appointed to examine the affairs of the bank]], that the defendant

¹ This punishment is pursuant to G.S. 53C-8-11 (b).

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- a) [[embezzled] [converted] [misapplied] any of the [money] [funds] [credit] [property] of the bank, whether owned by it or held in a trust]
- b) [[[issued] [put forth] a certificate of deposit]] [[drew an [order] [bill of exchange]] [made an acceptance] [[assigned a [note] [bond] [draft] [bill of exchange] [mortgage] [judgment] [decree]] [[fictitiously [borrowed] [solicited] [obtained] [received] money for a bank not in good faith]]]
- c) [[[made] [permitted to be made] a false entry in a record of a bank]] [[concealed] [permitted to be concealed]], by any means or manner, the true and correct entries in a bank record]
- d) [[knowingly [made an extension of credit] [permitted an extension of credit] by a bank to [an insolvent person] [a person who has ceased to exist] [a person who never existed] [[upon collateral consisting of [stocks] [bonds] of an [insolvent] [nonexistent] person]]]
- e) [[made] [published] [[knowingly permitted to be [made] [published]] a false [report] [statement] [certificate] as to the true financial condition of a bank], and that the [money] [funding]

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[credit] [property] involved in the transaction had a [value of
\$100,000 or more] [value of less than \$100,000],

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, then it would be your duty to return a verdict of not guilty.