

N.C.P.I.—CRIM 219.51A
WORTHLESS CHECK-INSUFFICIENT FUNDS (MORE THAN \$2,000). FELONY.
GENERAL CRIMINAL VOLUME
JUNE 2014
N.C. Gen. Stat. § 14-107(a), (d)

219.51A WORTHLESS CHECK—INSUFFICIENT FUNDS (MORE THAN \$2,000).
FELONY.

The defendant has been charged with [drawing] [uttering] a worthless check for more than \$2,000 (drawn) on an account with insufficient funds.

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

First, that the defendant [drew, that is, signed and delivered] [uttered, that is, offered to another], a check.¹

Second, that the [[defendant] [person who drew the check]] [did not, at the time the check was [drawn] [uttered], have sufficient funds on deposit or credit with the banking institution upon which the check was drawn to pay the check upon presentation] [had previously presented the [check] [draft] for the payment of money or its equivalent].

Third, that the defendant knew that the check was drawn on insufficient funds.

And Fourth, that the amount of the check was more than \$2,000.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [drew] [uttered] a check, knowing that [[the defendant] [the drawer]] [did not, at the time the check was drawn, have sufficient funds on deposit or credit with the banking institution upon which the check was [drawn] [uttered] to pay the check on presentation] [had previously presented the [check] [draft] for the payment

¹ A check is a present unconditional order to a [bank] [financial institution] to pay a certain sum of money to the order of a named person or to the bearer of the instrument. If the defendant argues that the check was post-dated, see *S. v. Crawford*, 198 N.C. 522 (1930).

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of money or its equivalent] and that this check was for an amount more than \$2,000, 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, it would be your duty to return a verdict of not guilty.