

WORTHLESS CHECK--DRAWN ON NON-EXISTENT ACCOUNT.
G.S. 14-107(d)(3). MISDEMEANOR.

The defendant has been charged with [drawing] [uttering] a worthless check (drawn) on a non-existent account.

For you to find the defendant guilty of this offense, the State must prove three 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 check was drawn on a non-existent account, that is, that at the time the check was drawn the [defendant] [person who made the check] did not have a checking account in the banking institution upon which the check was drawn.

And Third, that the defendant knew that the check was so drawn.

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 it was drawn upon a non-existent account, 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.

¹A 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).

