

CREDIT CARD (FINANCIAL TRANSACTION CARD<sup>1</sup>) THEFT--USE OF LOST, MISLAID, OR MISTAKENLY DELIVERED CARD. FELONY. G.S. 14-113.9(a)(2).

The defendant has been charged with credit card theft by using a [lost] [mislaidd] [mistakenly delivered] credit card.

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

First, that the defendant received; that is, obtained possession of (*describe credit card*).<sup>2</sup>

Second, that the credit card was [lost] [mislaidd] [delivered under a mistake as to the identity or address of the cardholder].

Third, that the defendant knew that the credit card was [lost] [mislaidd] [mistakenly delivered].

And Fourth, that the defendant retained the card with the intent to [sell it] [use it] [transfer it to someone other than the cardholder or the issuer].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant received (*describe credit card*),<sup>1</sup> which the defendant knew had been [lost] [mislaidd] [mistakenly delivered] and that the defendant intended to [sell it] [use it] [transfer it to someone other than the cardholder or

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<sup>1</sup>G.S. 14-113.8(4) defines "financial transaction card" which includes a "credit card."

<sup>2</sup>Describe card so as to indicate who is the cardholder, that is, one named on the face of the card or for whose benefit it was issued. G.S. 14-113.8(2).

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113.9(a)(2). (Continued.)

the issuer], 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.