

CREDIT CARD (FINANCIAL TRANSACTION CARD¹) FRAUD--CREDIT CARD
STOLEN, FORGED, FALSELY REPRESENTED, EXPIRED OR REVOKED. FELONY;
MISDEMEANOR. G.S. 14-113.13(a)(1), (2); (b).

The defendant has been charged with felonious credit card
fraud.

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

First, that the defendant intended to defraud.²

Second, that he used a credit card which was (*describe
deficiency*).³

Third, that he knew the credit card was (*describe
deficiency*).

Fourth, that he used the credit card for the purpose of
obtaining [money] [credit] [goods] [services] [something of
value].

And Fifth, that (during a six-month period) the defendant
thereby obtained more than \$500 worth of [money] [credit] [goods]
[services] [something of value].

If you find from the evidence beyond a reasonable doubt that
[on or about the alleged date] [between the alleged dates], the
defendant with the intent to defraud used a credit card which he
knew was (*describe deficiency*) for the purpose of obtaining
[money] [credit] [goods] [services] [something of value] and that

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

²The victim can be the issuer, a person or organization providing money,
goods, services or anything else of value, or any other person.

³The deficiencies include a credit card obtained or retained in
violation of G.S. 14-113.9 or a forged, expired or revoked credit card.

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the defendant thereby obtained more than \$500 worth of [money]
[credit] [goods] [services] [something of value], it would be
your duty to return a verdict of guilty of felonious credit card
fraud. However, if you do not so find or have a reasonable doubt
as to one or more of these things, you will not return a verdict
of guilty of felonious credit card fraud⁴ but must determine
whether the defendant is guilty of non-felonious credit card
fraud. Non-felonious credit card fraud differs from felonious
credit card fraud in that the State need not prove that (during
the six-month period) the defendant thereby obtained more than
\$500 worth of [money] [credit] [goods] [services] [something of
value].

If you find from the evidence beyond a reasonable doubt that
[on or about the alleged date] [between the alleged dates], the
defendant with the intent to defraud used a credit card which he
knew was (*describe deficiency*) for the purpose of obtaining
[money] [credit] [goods] [services] [something of value], it
would be your duty to return a verdict of guilty of non-felonious
credit card fraud. 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.

⁴If there is no lesser included charge, the last phrase should be, "it
would be your duty to return a verdict of not guilty."