

CREDIT CARD (FINANCIAL TRANSACTION CARD¹)--FRAUD BY
MISREPRESENTATION TO ISSUER. FELONY; MISDEMEANOR.
G.S. 14-113.13(b)(2).

NOTE WELL: *This statute is directed primarily at
merchants dealing with credit card transactions.*

The defendant has been charged with felonious credit card
fraud.

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

First, that the credit card issuer authorized the defendant,
upon presentation of a credit card by the cardholder, to furnish
[money] [credit] [goods] [services] [something of value].

Second, that the defendant represented in writing to the
issuer that he had provided something of value to the
cardholder(s) which he had not provided.

Third, that the defendant intended to defraud the [issuer]
[cardholder].

And Fourth, that (during a six-month period) the difference
in value between what the defendant actually furnished to the
cardholder and what he represented in writing to the issuer of
the card to have been furnished to the cardholder was greater
than \$500.

If you find from the evidence beyond a reasonable doubt that
[on or about the alleged date] [between the alleged dates], the

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

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defendant, upon presentation of a credit card, was authorized by the credit card issuer to furnish [money] [credit] [goods] [services] [something of value] and with the intent to defraud the [issuer] [cardholder], the defendant represented in writing to the issuer that the defendant had furnished something of value to the cardholder(s) which he had not furnished, and that (during this period) the difference in value between what the defendant actually furnished to the cardholder(s) and what he represented in writing to the issuer of the card to have been furnished to the cardholder was greater than \$500, 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 fraud² 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 a six-month period) the difference in value between what the defendant actually furnished to the cardholder(s) and what he represented in writing to the issuer of the card to have been furnished to the cardholder was greater than \$500.

²If there is no lesser included charge, the last phrase should be, "it would be your duty to return a verdict of not guilty."

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If you find from the evidence beyond a reasonable doubt that [on or about the alleged date] [between the alleged dates], the defendant, upon presentation of a credit card, was authorized by the credit card issuer to furnish [money] [credit] [goods] [services] [something of value] and with the intent to defraud the [issuer] [cardholder], the defendant represented in writing to the issuer that the defendant had furnished something of value to the cardholder(s) which he had not furnished, 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.

