

CREDIT CARD FRAUD--CRIMINAL FACTORING OF TRANSACTION CARD RECORDS
OF SALE. FELONY. G.S. 14-113.15A.

The defendant has been charged with criminal factoring of transaction card records.

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

First, that the defendant [employed] [solicited] an [authorized merchant] [agent or employee of an authorized merchant] to remit to an [issuer] [acquirer]¹ a financial transaction card record of sale.

Second, that the record of sale submitted to the [issuer] [acquirer] was not a record of a sale actually made by the [merchant] [agent or employee of the merchant].

Third, that this record of sale was submitted without the express authorization of a business organization or financial institution having authority to accept such a transaction as payment for a sale.

And Fourth, that the defendant acted willfully and intentionally to defraud the [issuer] [acquirer] [cardholder].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant [employed] [solicited] an [authorized merchant] [agent or employee of an authorized merchant] to remit to an [issuer] [acquirer] a financial transaction card record of sale which was not a record of sale actually made by the merchant or his agent or employee,

¹For definitions of these terms, see G.S. 14-113.8.

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and the defendant did this without the express consent of the [issuer] [acquirer], and that the defendant acted willfully, with the intent to defraud the [issuer] [acquirer] [cardholder], 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, then it would be your duty to return a verdict of not guilty.