

N.C.P.I.—Crim—220.50

[IMPROPER] [FRAUDULENT] RECEIPT OF DECEDENT'S [RETIREMENT ALLOWANCE] [DISABILITY BENEFIT]. MISDEMEANOR.

CRIMINAL VOLUME

JUNE 2013

N.C. Gen. Stat. §§ 135-18.11, 128-38.5, 135-75.2, 120-4.34.

220.50 [IMPROPER] [FRAUDULENT] RECEIPT OF DECEDENT'S [RETIREMENT ALLOWANCE] [DISABILITY BENEFIT]. MISDEMEANOR.

The defendant has been charged with the [improper] [fraudulent] receipt of a decedent's [retirement allowance] [disability benefit].

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

First, that the defendant had the intent to defraud;

Second, that the defendant received money as a result of [cashing] [depositing] [receiving a direct deposit of] the [decedent's retirement allowance] [decedent's monthly benefit under the Disability Income Plan of North Carolina];

Third, that the defendant knew that the defendant was not entitled to the decedent's retirement [allowance] [monthly disability benefit];

Fourth, that the receipt of the benefits occurred two months or longer after the date of the decedent's death;

And Fifth, that the defendant did not attempt to inform the State's Retirement System of the decedent's death.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant had the intent to defraud, that the defendant received money as a result of [cashing] [depositing] [receiving a direct deposit of] the [decedent's retirement allowance] [decedent's monthly benefit under the Disability Income Plan of North Carolina], that the defendant knew that the defendant was not entitled to the decedent's retirement [allowance] [monthly disability benefit], that the receipt of the

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benefits occurred two months or longer after the date of the decedent's death, and that the defendant did not attempt to inform the State's Retirement System of the decedent's death, 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.