

N.C.P.I.—CRIM 220.53  
IMPROPER RECEIPT OF A DECEDENT’S DISABILITY INCOME PLAN  
ALLOWANCE FROM THE STATE OF NORTH CAROLINA. MISDEMEANOR.  
GENERAL CRIMINAL VOLUME  
JUNE 2014  
N.C. Gen. Stat. § 135.111.1  
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220.53 IMPROPER RECEIPT OF A DECEDENT’S DISABILITY INCOME PLAN  
ALLOWANCE FROM THE STATE OF NORTH CAROLINA. MISDEMEANOR.

The defendant has been charged with improper receipt of a decedent’s disability income plan allowance from the State of North Carolina.<sup>1</sup>

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 the State of North Carolina.

Second, that the defendant [cashed] [deposited] [received a direct deposit of] a decedent’s Disability Income Plan allowance and received money as a result.

Third, that the defendant knew that the defendant was not entitled to the decedent’s Disability Income Plan allowance.

Fourth, that the defendant received the benefit of the Disability Income Plan allowance at least two months after the date of the decedent’s death.

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

If you find beyond a reasonable doubt that on or about the alleged date the defendant intended to defraud and received money as a result of

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<sup>1</sup> This refers to the Disability Income Plan of the teachers’ and state employees’ retirement system of North Carolina.

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[cashing] [depositing] [receiving] a direct deposit of a decedent's Disability  
Income Plan allowance and the defendant knew that the defendant was not  
entitled to the decedent's Disability Income Plan allowance, and the  
defendant received the benefit of the Disability Income Plan allowance at  
least two months after the date of the decedent's death, and that the  
defendant did not attempt to inform the 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 reasonable doubt as to one or more of these things,  
then it would be your duty to return a verdict of not guilty.