

PRESENTING A FALSE STATEMENT TO PROCURE BENEFIT OF INSURANCE
POLICY. FELONY. G.S. 58-2-161(b)(1).

NOTE WELL: Use this instruction when the defendant
presents a false statement and the insurer is the one
defrauded.

The defendant has been charged with presenting a false
statement under an insurance policy with the intent to defraud
the insurance company.

Now I charge for you to find the defendant guilty of this
offense the State must prove five things beyond a reasonable
doubt:

First, that an insurance policy existed between (*name
insured*) and (*name insurer*).

Second, that the defendant [presented] [caused to be
presented] a [written] [oral] statement¹ [as part of] [in support
of] a claim for [payment] [a benefit] pursuant to the insurance
policy.

Third, that the statement contained false or misleading
information concerning a fact or a matter material to the claim.

Fourth, that the defendant knew the statement contained
false or misleading information concerning a fact or matter
material to the claim.

And Fifth, that the defendant acted with the intent² to

¹For a definition of "statement" see N.C.G.S. 58-2-161(b)(2).

²For the definition of "intent" see N.C.P.I.--Crim. 120.10.

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[injure] [defraud] [deceive] (*name insurer*).

So I charge that if you find from the evidence beyond a reasonable doubt that on or about the alleged date an insurance policy existed between (*name insured*) and (*name insurer*), and that the defendant knowingly and with the intent to [injure] [defraud] [deceive] the (*name insurer*) [presented] [caused to be presented] a statement that contained false or misleading information concerning a fact or matter material to the claim [for payment of the claim pursuant to the policy] [to obtain some benefit under the policy], it would be your duty to return a verdict of guilty. However, 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.