

MAKING (OR PARTICIPATING IN) A FALSE STATEMENT TO PROCURE BENEFIT OF INSURANCE POLICY. FELONY. G.S. 58-2-161(b) (2).

NOTE WELL: Use this instruction when the defendant is not the presenter of the false statement and the Insurer is the one defrauded.

The defendant has been charged with [assisting] [abetting] [soliciting] [conspiring with]¹ another person to falsely [prepare] [make] a [written] [oral] statement² that is intended to be presented to an insurer [in connection with] [in support of] a claim for [payment] [a benefit] pursuant to the policy.

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

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

Second, that the defendant [assisted] [abetted] [solicited] [conspired with] another person to [prepare] [make] a [written] [oral] statement.

Third, that this statement was intended to be presented to (*name insurer*) [in connection with] [in support of] a claim for [payment] [a benefit] pursuant to the insurance policy.

Fourth, that this statement contained false or misleading

¹For further definitions of "aiding and abetting" see N.C.P.I.--Crim. 202.20, of "solicitation" see N.C.P.I.--Crim. 201.20, of "conspiracy" see N.C.P.I.--Crim. 202.80.

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

MAKING (OR PARTICIPATING IN) A FALSE STATEMENT TO PROCURE BENEFIT OF INSURANCE POLICY. FELONY. G.S. 58-2-161(b)(2). (Continued.)

information concerning a fact or a matter material to the claim.

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

And Sixth, that the defendant acted with the intent³ to [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] (*name insurer*) [assisted] [abetted] [solicited] [conspired with] another person to [prepare] [make] a [written] [oral] statement, that the statement was intended to be presented to (*name insurer*) [in connection with] [in support of] a claim for [payment] [a benefit] pursuant to the policy, and that statement contained false or misleading information concerning a fact or matter material to the claim, 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.

³For a definition of "intent" see N.C.P.I.--Crim. 120.10.