

CREDIT CARD CRIMES:
CREDIT CARD THEFT(BUYS A CREDIT CARD)
N.J.S.A. 2C:21-6c(3)

The defendant is charged with Credit Card Theft. Specifically,

(Read Count ____ of Indictment)

The applicable section of the statute reads as follows:

. . . a person who buys a credit card from a person
other than the issuer is guilty of a crime.

In order for you to find the defendant guilty, the State must prove the following elements beyond a reasonable doubt:

1. That the defendant bought a credit card;
2. That the defendant bought the credit card from a person other than the issuer of the card and;
3. That the defendant acted knowingly.

The first element that the State must prove beyond a reasonable doubt is that the defendant bought a credit card.

“Credit card” means any tangible or intangible instrument or device issued with or without a fee by an issuer that can be used, alone or in connection with another means of account access, in obtaining money, goods, services or anything else of value on credit, including credit cards, credit plates, account numbers, or any other means of account access.

“Issuer” means the business organization or financial institution which issues a credit card or its duly authorized agent.

The second element that the State must prove beyond a reasonable doubt is that the defendant bought the credit card from a person other than the issuer of the card.

The third element that the State must prove beyond a reasonable doubt is that the defendant acted knowingly.

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A person acts “knowingly” with respect to a result of his/her conduct if he/she is aware that it is practically certain that his/her conduct will cause such a result. A person acts knowingly with respect to the nature of his/her conduct if he/she is aware that his/her conduct is of that nature. “Knowing,” “with knowledge” or equivalent terms have the same meaning.

Knowledge is a condition of the mind which cannot be seen and can only be determined by inferences from conduct, words or acts. It is not necessary for the State to produce a witness or witnesses who could testify that the defendant acted knowingly.

If you find that the State has proven each of the above-mentioned elements of this offense beyond a reasonable doubt, then you must find the defendant guilty of the charge of credit card theft.

If, however, you find that the State has failed to prove any of the elements of this offense beyond a reasonable doubt, then you must find the defendant not guilty of the charge of credit card theft.