

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

The defendant is charged with Credit Card Theft. Specifically,

(Read Count ____ of Indictment)

The applicable section of the statute reads as follows:

A person other than the cardholder or a person authorized by him who, with intent to defraud the issuer, or a person or organization providing money, goods, services or anything else of value, or any other person, signs a credit card, 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 signed a credit card;
2. That the defendant was not the cardholder or a person authorized by the cardholder and;
3. That the defendant acted with intent to defraud the issuer, or a person or organization providing money, goods, services, or anything else of value, or any other person.

The first element that the State must prove beyond a reasonable doubt is that the defendant signed 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 was not the cardholder or a person authorized by the cardholder.

“Cardholder” means the person or organization named on the face of a credit card to

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whom or for whose benefit the credit card is issued by an issuer.

The third element that the State must prove beyond a reasonable doubt is that the defendant acted with intent to defraud the issuer, or a person or organization providing money, goods, services, or anything else of value, or any other person.

A person acts “with intent” when he/she acts with purpose. A person acts purposely with respect to the nature of his/her conduct or a result thereof if it is his/her conscious objective to engage in conduct of that nature or to cause such a result. A person acts purposely with respect to attendant circumstances if he/she is aware of the existence of such circumstances or believes or hopes that they exist. One can be deemed to be acting purposely if he/she acts with design, with a purpose, with a particular objective, if the individual means to do what he/she does.

Purpose 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 defendant acted purposely.

“To defraud” means to deprive a person of property or any interest, estate, or right by deceit or artifice, to cheat.

[Charge if Applicable]

Proof that the defendant had in his/her possession two or more credit cards which he/she signed without the cardholder’s authorization may give rise to an inference that the defendant acted with fraudulent intent.¹

If you find that the State has proven all of the above elements beyond a reasonable doubt, then you must find the defendant guilty of the crime charged.

¹ In the appropriate case, the jury may be advised that such inference may be made from the presence of the facts set forth in 2C:21-6c(6) if there is a factual basis to do so in the evidence, State v. Humphrey, 183 N.J. Super. 580 (Law Division 1982) or, under State in Interest of L.L.A., 178 N.J. Super. 555 (J.D.R.Ct. 1980), but it must be made clear that the inference is permissive, not conclusive; that it must be considered along with all other evidence in the case; and that it in no way shifts the burden of proof from the State to the defendant. See State v. Bott, 53 N.J. 391 and State v. DiRienzo, 53 N.J. 360 (1969) and particularly the additional instructions and comments to Model Charge 2.271 under N.J.S.A. 2A:139-1. See also 2C:1-13e and Evid. R.15.

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If, however, you find that the State has failed to prove any of the elements of the crime beyond a reasonable doubt, you must then find the defendant not guilty.