

CREDIT CARD CRIMES:
FRAUDULENT USE OF CREDIT CARDS
(FURNISHING)
N.J.S.A. 2C:21-6h

The defendant is charged with fraudulent use of a credit card. Specifically,

(Read Count _____ of Indictment)

The applicable section of the statute reads as follows:

A person . . . who, with unlawful or fraudulent intent, furnishes, acquires, or uses any actual or fictitious credit card, whether alone or together with names of credit cardholders, or other information pertaining to a credit card account in any form, is guilty of a crime.

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

1. That the defendant [**Choose Whichever Applicable**] furnished, acquired, or used any actual or fictitious credit card, whether alone or together with names of credit cardholders, or other information pertaining to a credit card account in any form and;
2. That the defendant acted with unlawful or fraudulent intent.

The first element that the State must prove beyond a reasonable doubt is that the defendant [**Choose Whichever Applicable**] furnished, acquired or used any actual or fictitious credit card, whether alone or together with names of credit cardholders, or other information pertaining to a credit card account in any form.

“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.

“Cardholder” means the person or organization named on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer.

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“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 acted with unlawful or fraudulent intent.

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.

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

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.

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.