

CREDIT CARD CRIMES:
FALSE STATEMENTS MADE IN PROCURING ISSUANCE OF CREDIT CARD

(N.J.S.A. 2C:21-6b)

Count _____ of the indictment charges the defendant with the crime of making false statements in procuring the issuance of a credit card.

(Read Count _____ of the indictment.)

The Statute on which this count of the indictment is based reads in pertinent part as follows:

A person who makes or causes to be made, either directly or indirectly, any false statement in writing, knowing it to be false and with intent that it be relied on, respecting his identity or that of any other person, firm, or corporation, or his financial condition or that of any other person, firm or corporation, for the purpose of procuring the issuance of 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 made, or caused to be made, either directly or indirectly, a false statement.
2. That the defendant made or caused such statement to be made in writing.
3. That the false statement concerned the defendant's identity,

-or-

that the false statement concerned the identity of any other person, firm or corporation,

-or-

that the false statement concerned the defendant's financial condition or the financial condition of any other person, firm, or corporation;

4. That the defendant knew such statement to be false;
5. That the defendant intended that someone else would rely upon the false

statement; and

6. That the defendant's purpose was to procure the issuance of a credit card by means of such false statement.

The first element that the State must prove beyond a reasonable doubt is that the defendant made, or caused to be made, either directly or indirectly, a false statement.

The second element that the State must prove beyond a reasonable doubt is that the defendant made or caused such statement to be made in writing.

The third element that the State must prove beyond a reasonable doubt is that the false statement concerned the defendant's identity,

-or-

that the false statement concerned the identity of any other person, firm or corporation

-or-

that the false statement concerned the defendant's financial condition or the financial condition of any other person, firm or corporation.

The fourth element that the State must prove beyond a reasonable doubt is that the defendant knew such statement to be false.

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.

The fifth element that the State must prove beyond a reasonable doubt is that the

defendant intended that someone else would rely upon the false statement believing that the matters therein contained are true.

A person acts with “intent” when he/she does an act 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 the defendant acted purposely.

The sixth element that the State must prove beyond a reasonable doubt is that the defendant’s purpose was to procure the issuance of 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.

If you find that the State has proven beyond a reasonable doubt each and every one of these elements as I have explained them, then you must find the defendant guilty of this offense.

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