

CREDIT CARD CRIMES:
FRAUDULENT USE OF CREDIT CARDS
(USING)

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 knowingly uses any counterfeit, fictitious, altered, forged, lost, stolen or fraudulently obtained credit card to obtain money, goods or services, or anything else of value . . . 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 used any counterfeit, fictitious, altered, forged, lost, stolen or fraudulently obtained credit card.
2. That the defendant obtained money, goods, services or anything else of value.
3. That the defendant acted knowingly.

The first element that the State must prove beyond a reasonable doubt is that the defendant used any counterfeit, fictitious, altered, forged, lost, stolen or fraudulently obtained 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.

“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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The second element that the State must prove beyond a reasonable doubt is that the defendant obtained money, goods or services or anything else of value through the use of the credit card.

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

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 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.