

CREDIT CARD CRIMES:
CREDIT CARD THEFT (SECURITY FOR DEBT)

N.J.S.A. 2C:21-6c(4)

The defendant is charged with Credit Card Theft. Specifically,

(Read Count _____ of Indictment)

The applicable section of the statute provides as follows:

A person who, with intent to defraud the issuer, a person or organization providing money, goods, services or anything else of value, or any other person, obtains control over a credit card as security for debt 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 obtained control over a credit card as security for a debt and;
2. That the defendant did so 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 obtained control over a credit card as security for a debt.

“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.

The second 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 or

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with purpose 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 or 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.

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

“To defraud” 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 each 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.