

CREDIT CARD CRIMES:
INTENT TO DEFRAUD BY PERSON AUTHORIZED TO FURNISH
MONEY, GOODS OR SERVICES
(FAILURE TO FURNISH ANYTHING OF VALUE)
N.J.S.A. 2C:21-6e(2)

The defendant is charged in count _____ of the indictment.

(Read Count _____ of the Indictment)

The applicable section of the statute reads as follows:

A person who is authorized by an issuer to furnish money, goods, services or anything else of value upon presentation of a credit card by the cardholder, fails to furnish money, goods, services or anything else of value which he represents in writing to the issuer that he has furnished 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 was authorized by an issuer to furnish money, goods, services or anything else of value upon presentation of a credit card by the cardholder.
2. That the defendant failed to furnish money, goods, services or anything else of value which he/she represented in writing to the issuer that he/she did furnish.
3. That the defendant acted knowingly.

The first element that the State must prove beyond a reasonable doubt is that the defendant was authorized by an issuer to furnish money, goods, services or anything else of value upon presentation of a credit card by the cardholder.

“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

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

“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 failed to furnish money, goods, services or anything else of value which he/she represented in writing to the issuer that he/she had furnished.

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.