

Ala. Code 1975, § 13A-9-49

Issuing False Financial Statement

The defendant is charged with issuing false financial statement.

A person commits the crime of issuing false financial statement if, with intent to defraud, he/she (1) knowingly makes or utters a written instrument which purports to describe the financial condition or ability of himself/herself or some other person and which is inaccurate in some material respect; or (2) represents in writing that a written instrument purporting to describe a person's financial condition or ability to pay is accurate with respect to that person's current financial condition or ability to pay, knowing or having reason to believe the instrument to be materially inaccurate in that respect.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The Defendant **[Read as appropriate]**:
 - (A) Knowingly made or uttered a written instrument, **[describe the instrument]**, which purported to describe the financial condition or ability of himself/herself or some other person which was inaccurate in some material respect; **(OR)**
 - (B) Represented in writing that a written instrument, **[describe the instrument]**, purporting to describe a person's financial condition or ability to pay was accurate with respect to that person's current financial condition or ability to pay while knowing or having reason to believe the instrument to be materially accurate in that respect; **(AND)**
- (2) The Defendant did so with intent to defraud.

To *utter* means to directly or indirectly offer, assert, declare or put forth a forged instrument as genuine. [13A-9-1(12)]

A person acts *knowingly* with respect to conduct or to a circumstance described by a statute defining an offense when he/she is aware that his/her conduct is of that nature or that the circumstance exists. [13A-2-2(2)]

A person acts *intentionally* with respect to a result or to conduct when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2(1)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of issuing false financial statement, then you shall find the defendant guilty of issuing false financial statement.

If you find that the State has failed to prove any one or more of the elements of issuing false financial statement, then you cannot find the defendant guilty of issuing false financial statement.

[Approved 02-27-17.]