

**Ala. Code 1975, § 13A-9-9**

**Criminal Possession of Forgery Device**

The defendant is charged with criminal possession of a forgery device.

A person commits the crime of criminal possession of a forgery device if he/she makes or possesses with knowledge of its character, any plate, die or other device, appliance, apparatus, equipment or article specifically designed or adapted for use in forging written instruments, with intent to use it himself/herself, or to aid or permit another to use it for purposes of forgery.

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

- (1) The defendant made or possessed a plate, die or other device, appliance, apparatus, equipment or article specifically designed or adapted for use in forging written instruments, **[describe device]**;
- (2) The defendant did so with knowledge of its character; **(AND)**
- (3) The defendant intended to use it himself/herself, or to aid or permit another to use it for purposes of forgery.

To *possess* means to have physical possession or otherwise to exercise dominion or control over tangible property. [13A-1-2(13)]

A *forged instrument* is a written instrument which has been falsely made, completed or altered. [13A-9-1(7)]

A *written instrument* means **[Read as appropriate]**:

- a. Any paper, document or other instrument containing written or printed matter or its equivalent; **(OR)**
- b. Any token, stamp, seal, badge, trademark or other evidence or symbol of value, right, privilege or identification;

which is capable of being used to the advantage or disadvantage of some person. [13A-9-1(1)]

**[Read as appropriate]**: To *falsely make* a written instrument means to make or draw a complete written instrument in its entirety, or an incomplete written instrument, which purports to be authentic creation of its ostensible maker, but which is not either because the ostensible maker is fictitious or because, if real, he/she did not authorize the making or drawing thereof. [13A-9-1(4)]

**[Read as appropriate]:** To *falsely complete* a written instrument means to transform, by adding, inserting or changing matter, an incomplete written instrument into a complete one, without lawful authority, so that the completed written instrument falsely appears or purports to be in all respects an authentic creation of its ostensible maker or authorized by him/her. [13A-9-1(5)]

**[Read as appropriate]:** To *falsely alter* a written instrument means to change, without lawful authority, a written instrument, whether complete or incomplete, by means of erasure, obliteration, deletion, addition or transportation of matter, or in any other manner, so that the instrument so changed falsely appears or purports to be in all respects an authentic creation of its ostensible maker or authorized by him/her. [13A-9-1(6)]

A *complete written instrument* is one which purports to be a genuine written instrument fully drawn with respect to every essential feature thereof. [13A-9-1(2)]

An *incomplete written instrument* is one which contains some matter by way of content or authentication, but which requires additional matter in order to render it a complete written instrument. [13A-9-1(3)]

A person acts *intentionally* with respect to a result or to conduct described by a statute defining an offense, 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 elements of the offense of criminal possession of a forgery device, then you shall find the defendant guilty of criminal possession of a forgery device.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements of the offense of criminal possession of a forgery device, then you cannot find the defendant guilty of criminal possession of a forgery device.

**[If lesser-included offenses are included, the Court should instruct on these offenses at this point.]**

[Approved 6-17-16.]