**FRAUDULENT USE OF AN ACCESS DEVICE 11.46.285**

**Revised 2017**

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, the defendant in this case, has been charged with the crime of fraudulent use of an access device.

To prove that the defendant committed this crime, the state must prove beyond a reasonable doubt each of the following elements:

(1) the defendant acted with intent to defraud;

(2) the defendant used an access device to obtain property or services;

(3) the defendant knew that [the access device was stolen or forged] [the access device had expired or had been revoked or can-celled] [for any other reason the defendant's use of the access device was unauthorized by either the issuer or the person to whom the access device was issued]; and

(4) the value of the property or services obtained was [$25,000 or more] [$1000 or more but less than $25,000] [less than $1000].

**USE NOTE**

The following terms are defined in other instructions:

"access device" – 11.81.900(b)

"intent to defraud" – 11.46.990

"intentionally" – 11.81.900(a)

"knowingly" – 11.81.900(a)

"obtain" – 11.46.990

"property" – 11.81.900(b)

"services" – 11.81.900(b)

"stolen property" – 11.46.990(b)

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See also AS 11.46.580, which defines "forged instrument."

For determination of value, see AS 11.46.980.