

FORGERY

Forgery--motion to dismiss--sufficiency of evidence

State v. King, 178 NCA 122 (2006)

The trial court erred by denying defendant's motion to dismiss on all but the first three forgery charges named in the indictment and the accompanying uttering charges, and defendant's ten convictions for forgery and ten convictions for uttering in docket numbers 04 CRS 55303, 04 CRS 55304, 04 CRS 55306, and 04 CRS 55307 are reversed, because: (1) signing as the agent of another without authority does not constitute forgery; and (2) all but the first three withdrawal slips from 04 CRS 555302 that defendant presented to the bank bore defendant's own signature and did not include the victim's name or purported signature.

Forgery--sufficiency of indictments

State v. King, 178 NCA 122 (2006)

The trial court did not err by concluding the thirteen forgery indictments were not fatally defective, because: (1) the indictments set forth all of the elements of the offense; (2) the indictments do not have to state the manner in which defendant forged the withdrawal form; (3) the indictments informed defendant of the date and time of each offense, the amount of money involved, and where the offense occurred; and (4) the indictments gave defendant notice of the charge against her and enabled the court to know what judgment to pronounce in case of conviction.

Forgery § 28 (NCI4th) uttering a forged check check passed but not cashed no variance between allegation and verdict

State v. Kirkpatrick, 343 N.C. 285, 470 S.E.2d 54 (1996)