IN THE CIRCUIT COURT OF [*county*] COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

v. [*case number*]

Hon. [*name*]

[*name-all caps*],

Defendant.

DEFENDANT’S INSTRUCTION NO. \_\_\_\_

Beginning with these preliminary instructions and during the trial you will hear me use a few terms with which you may not be familiar. Let me now briefly explain some of the most common. You will sometimes hear me refer to “counsel.” “Counsel” is another way of saying “lawyers” or “attorneys.” I will sometimes call myself “the Court.” The State and the defendant(s) are sometimes called “the parties.”

When I “sustain” an objection, I am excluding that evidence from this trial for good reason. When I “overrule” an objection, I am permitting that evidence to be admitted.

When I say “admitted into evidence,” I mean that this particular statement or this particular exhibit is now part of the trial and, most importantly, may be considered by you in making decisions at the close of this case. Statements or exhibits which are not “admitted into evidence” may not be considered by you in reaching your verdict.

The term “Burden of Proof” or “sustaining its burden of proof” means the State’s obligation to produce proof beyond a reasonable doubt of the charges in the indictment.

GIVEN:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

REFUSED:\_\_\_\_\_\_\_\_\_\_\_\_\_

MODIFIED:\_\_\_\_\_\_\_\_\_\_\_\_

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JUDGE