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. \_\_\_\_

You may have already heard the terms “direct evidence” and “circumstantial evidence.” “Direct evidence” is generally the testimony of a person who claims to have actual and direct knowledge of a fact—for example, the testimony of an eyewitness who claims to have seen an event. “Circumstantial evidence” is generally testimony of a chain of facts which may lead to a conclusion of some kind. The law makes no distinction between “direct evidence” and “circumstantial evidence.” In considering the evidence in this trial you should give the evidence such weight or importance as you think it deserves, whether it is called “direct” or “circumstantial” evidence, and make the deductions and reach the conclusions to which your experience and common sense lead

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

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

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

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JUDGE