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. \_\_\_\_

 No statement, ruling, remark, or comment which I may make during the course of the trial is intended either to indicate my opinion as to how you should decide the case or to influence you in any way in your determination of the facts. I may, for example, ask questions of witnesses. If I do so, it is for the purpose of explaining matters which I feel should be brought out and not in any way to indicate my opinion about the facts or about the weight you should give to the testimony of the witness I question. I may also find it necessary, for example, to admonish the lawyers and, if I do, you should not show prejudice toward a lawyer or the client of that lawyer because I have found it necessary to correct him or her.

 At times during this trial it will be important for me to confer privately with the lawyers and others about various issues. During these conferences—both here and in my office—it is not our intention to hide anything from you, but simply to determine how certain issues will be handled. Please be patient with us during any such delays. We are only taking care to ensure the trial is being conducted fairly and according to the law.

 At times you will also be required to wait in your jury room while I am required to hear and decide other matters from other cases not connected with this one. These delays are unavoidable. I will do everything I can to keep these interruptions to a minimum, but I can never avoid them entirely. Again, please be patient.

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

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

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

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 JUDGE