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. \_\_\_\_

Please keep a few things in mind as we begin this trial.

Your job is to decide all the factual questions in this case—like who should be believed and who should not be believed. I will decide all the legal questions in this case—like what testimony or exhibits are received into evidence and which are not received. Please do not concern yourselves with the legal questions.

The defendant(s) [has] [have] pled not guilty and [is] [are] presumed to be innocent of the crime(s) charged. As such, the defendant(s) [is] [are] not required to produce any evidence whatsoever. By bringing the indictment, moreover, the State has accepted the responsibility of proving the defendant’s(s’) guilt to each of you—unanimously—beyond a reasonable doubt. Finally, do not discuss this case with anyone and keep an open mind regarding each issue in the case until all the evidence has been received. At that time, I will be able to give you the complete and final instructions that you must use to guide you in reaching your decisions. Then and only then will you be fully prepared to begin your deliberation and reach your verdict.

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

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

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

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JUDGE