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. \_\_\_\_

 We are about to take a break from the courtroom proceeding, which we usually call a “recess.” It is very important that you keep in mind and obey the following instructions with reference to each of the recesses of Court during the day and over the evening whether I specifically remind you of this or not.

First, you should keep an open mind throughout the trial, reaching your decision only during your deliberations, which will take place after all the evidence has been admitted, after you have heard the closing arguments of counsel, and after I have given you my instructions on the law that governs this trial.

 Second, do not discuss the case among yourselves or with anyone else during the course of the trial. Do not permit any third person to discuss the case in your presence and, if anyone does so, despite your telling him or her not to, please report that to the Court immediately.

 Third, though it is a normal human tendency to talk with people you meet, please do not talk, either in or out of the courtroom, with any of the parties or their attorneys or with any witness. By this I mean not only to avoid talking about the case, but do not talk at all, even to pass the time of day or simply to be polite. In no other way can all parties to this case be assured of the absolute impartiality they are entitled to expect from you as jurors. The lawyers already know that no communication is permitted between them and the jurors. They are not being unfriendly when they do not speak with you. The lawyers are simply following my orders.

 Fourth, do not read about the case in the newspapers or on the internet; do not listen to radio or watch television broadcasts or stream content through the internet or any app about the trial. If a newspaper headline or news broadcast about the case catches your eye or ear, do not examine the article or watch or listen to the broadcast any further. The person who wrote or is reporting the story may not have listened to all the testimony, or may be getting information from people whom you will not see in court under oath and subject to cross-examination, or may emphasize an unimportant point, or may simply be wrong. You must base your verdict solely and exclusively on the evidence received here in court during the trial.

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

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

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

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 JUDGE