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. \_\_\_\_

Count \_\_ of the indictment charges the defendant with Impersonating a Law Enforcement Officer or Law Enforcement Official.

Impersonating a Law Enforcement Officer or Law Enforcement Official occurs when a person {falsely represents [himself] [herself] to be a Law-Enforcement Officer or Law-Enforcement Official} {falsely represents [he] [she] is under the order or direction of a Law Enforcement Officer or Law Enforcement Official} {, not a Law-Enforcement Officer or Law-Enforcement Official, wears the uniform prescribed for a Law-Enforcement Officer or Law Enforcement Official} {, not a Law Enforcement Officer or Law Enforcement Official, wears the badge or other insignia adopted for use by such Law Enforcement Officers or Law Enforcement Officials} with the intent to deceive another.

A “Law Enforcement Officer” is a duly authorized member of a law-enforcement agency who is authorized to maintain public peace and order, prevent and detect crime, make arrests and enforce the laws of the state or any county or municipality thereof, other than parking ordinances. It includes those persons employed as campus police officers at state institutions of higher education, persons employed by the Public Service Commission as motor carrier inspectors and weight enforcement officers charged with enforcing commercial motor vehicle safety and weight restriction laws and those persons employed as rangers by resort area districts. The term does not include the West Virginia State Police and individuals hired by nonpublic entities to provide security services.

A “Law-Enforcement Official” is the duly appointed chief administrator of a designated law-enforcement agency or a duly authorized designee.

A “Law Enforcement Agency” is any duly authorized state, county or municipal organization employing one or more persons whose responsibility is the enforcement of laws of the state or any county or municipality thereof but does not include the Public Service Commission, any state institution of higher education, or any resort area district.

The burden is on the State to prove the defendant’s guilt beyond a reasonable doubt and the defendant is not required to prove [himself] [herself] innocent. [He] [She] is presumed by the law to be innocent of this charge and this presumption remains with [him] [her] throughout the entire trial.

Before the defendant can be convicted of Impersonating a Law Enforcement Officer or Law Enforcement Official, the State must overcome the presumption that the defendant is innocent and prove to your satisfaction beyond a reasonable doubt that:

1. the defendant,

2. in [insert county] County, West Virginia,

3. on the \_\_ day of [insert month], [insert year],

4. did {falsely represent [himself] [herself] to be a Law-Enforcement Officer or Law-Enforcement Official} {falsely represent [himself] [herself] to be under the order or direction of a Law Enforcement Officer or Law Enforcement Official} {,not being a Law-Enforcement Officer or Law-Enforcement Official, wear the uniform prescribed for a Law-Enforcement Officer or Law Enforcement Official} {not being a Law Enforcement Officer or Law Enforcement Official, wear the badge or other insignia adopted for use by such Law Enforcement Officers or Law Enforcement Officials},

5. with the intent to deceive another.

If, after impartially considering, weighing and comparing all the evidence (that of both the State and the defendant), you are convinced beyond a reasonable doubt of the truth of the charge as to each of these elements, you may find the defendant guilty of Impersonating a Law Enforcement Officer or Law Enforcement Official as charged in Count \_\_ of the indictment. If you have a reasonable doubt of the truth of the charge as to any one or more of these elements, you shall find the defendant not guilty.

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

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

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JUDGE