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. \_\_\_\_

The offense of “Operating or Attempting to Operate a Clandestine Drug Laboratory” is committed when a person knowingly and intentionally operates or attempts to operate a clandestine drug laboratory.

A “clandestine drug laboratory” means any property, real or personal, on or in which a person assembles any chemicals or equipment or combination thereof for the purpose of manufacturing methamphetamine, methylenedioxymethamphetamine or lysergic acid diethylamide.

In order to prove the offense of “Operating or Attempting to Operate a Clandestine Drug Laboratory”, the State must overcome the presumption of innocence and prove beyond a reasonable doubt that:

1. the defendant,

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

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

4. knowingly and intentionally

5. [operated] [attempted to operate]

6. a clandestine drug laboratory.

After consideration of all the evidence, if each of you is convinced beyond a reasonable doubt that the State has proven all the elements of Operating or Attempting to Operate a Clandestine Drug Laboratory, you may find the defendant guilty as charged in Count \_\_ of the indictment. However, if any of you has a reasonable doubt as to any one or more of these elements, you shall find the defendant not guilty.

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

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

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

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

JUDGE