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 Creating a Counterfeit Substance. This offense is committed when a person knowingly and unlawfully manufactures a counterfeit substance. In order to prove the commission of the offense of “Creating a Counterfeit Substance”, 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 unlawfully

5. created a Schedule [insert] Counterfeit Substance, specifically, [insert counterfeit substance].

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

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

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

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

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

 JUDGE