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 an Imitation Controlled Substance. This offense is committed when a person knowingly and unlawfully creates an imitation controlled substance. In order to prove the commission of the offense of “Creating an Imitation Controlled 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 an Imitation Controlled Substance, specifically, [insert description of imitation controlled 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 an Imitation Controlled 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