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. \_\_\_\_

 Possession with the Intent to Deliver an Imitation Controlled Substance is committed when a person knowingly and intentionally possesses an imitation controlled substance with the intention of delivering the imitation controlled substance to another person. In order to prove this offense, 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. possessed

6. an imitation controlled substance, specifically, [insert description of imitation controlled substance], an Imitation Controlled Substance,

7. with the intent to deliver the imitation controlled substance to another person.

 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 Possession with Intent to Deliver an Imitation Controlled Substance, then 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