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 Court instructs you that a person who takes property in good faith under fair color or claim of title, honestly believing that he or she is the owner and has a right to take it, is not guilty of [insert offense], even though that belief is mistaken. Such a person would, in most cases, lack felonious intent.

Therefore, if you have a reasonable doubt as to the defendant’s guilt based upon [his] [her] belief that [he] [she] owned the property in question, then the State has failed to prove beyond a reasonable doubt that the defendant intended to commit the offense and you must find the defendant not guilty of [insert offense].

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

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

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

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JUDGE