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 defendant has presented evidence that [he] [she] was insane at the time the offense was alleged to have been committed.

The Court instructs you that a person is not responsible for criminal conduct if

1. at the time of the offense set forth in the indictment

2. [he] [she] lacked the capacity to either

a. appreciate the wrongfulness of [his] [her] conduct, or

b. conform [his] [her] conduct to the requirements of the law

3. as a result of mental disease or defect.

Therefore, if the State has proved beyond a reasonable doubt that the defendant committed all the elements of the offense charged in Count \_\_ of the indictment, but you have a reasonable doubt that, at the time of the commission of the act, [he] [she] was suffering from a mental disease or defect causing [him] [her] to lack the capacity to appreciate the wrongfulness of [his] [her] conduct, or to conform [his] [her] conduct to the requirements of the law, you should find the defendant not guilty by reason of insanity.

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

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

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

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JUDGE