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 there is a presumption that the defendant was sane at the time of the alleged offense. If, however, any evidence introduced by the defendant or by the State raised any doubt in your mind upon the issue of the defendant’s sanity at that time, then the presumption has been overcome, and the State has the burden of establishing the defendant’s sanity beyond a reasonable doubt. If the proof on this issue leaves you with a reasonable doubt as to the defendant’s sanity at the time, you must acquit [him] [her]; if, on the on the other hand, the State has proved [his] [her] sanity beyond a reasonable doubt, you may find the defendant guilty as charged in Count \_\_ of the indictment.

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

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

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

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 JUDGE