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 the [death] [injury] [other offense] was an accident. While it is never the defendant’s burden to prove anything, if you find the defendant’s evidence of accident to be credible, then the State must prove beyond a reasonable doubt that the [death] [injury] [other offense] was not accidental. If the State has not met this burden, then you must find the defendant not guilty of the offense charged in Count \_\_ of the indictment.

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

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

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

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 JUDGE