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. \_\_\_\_

If you find the State has proven beyond a reasonable doubt the defendant committed a First Degree Murder and deliver this as your verdict, you will also be asked whether to make a recommendation of parole eligibility. If you recommend parole eligibility, the defendant may be considered eligible for parole after serving fifteen years in prison.

This does not mean the defendant will be released in fifteen years, but after that time a parole board will be able to evaluate the defendant’s situation and decide whether it is in the best interests of both the defendant and the State of West Virginia for [him] [her] to be released from prison. If the defendant is released on parole, [he] [she] will still be subject to the rules and supervision of the Parole Board. If you do not recommend parole eligibility, the defendant will receive a life sentence and never be eligible for parole regardless of any change in [his] [her] character or circumstances.

As with all other aspects of your verdict, you must unanimously agree regarding your recommendation for parole eligibility.

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

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

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

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JUDGE