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 agree unanimously that the State failed to prove beyond a reasonable doubt the defendant killed [insert name of alleged victim] in [insert name of county] County, West Virginia, or if the State proved [he] [she] did kill the decedent but failed to prove beyond a reasonable doubt that the killing was not lawful, you must find the defendant not guilty.

A lawful killing is one that is reasonable under the circumstances or which resulted from mere negligence or accident. A lawful killing must be both subjectively and objectively reasonable. Subjective reasonableness means the defendant believed [he] [she] had a legitimate purpose for taking a life. Objective reasonableness means that, apart from the defendant’s personal belief, a reasonable person in the same situation could have also formed that belief.

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

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

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JUDGE