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 believe the State has proved beyond a reasonable doubt that the defendant caused [insert name(s) of victim(s)]’ death in [insert county] County, West Virginia, and did so unlawfully, then you may find the defendant guilty of involuntary manslaughter.

 The essential characteristics of Involuntary Manslaughter are that the defendant committed an act which caused the decedent’s death and that the act was unlawful or undertaken in an unlawful manner. An act is unlawful or undertaken unlawfully if it is objectively unreasonable under the circumstances because, apart from the fatal consequences, the act itself is criminal or was done with criminal recklessness. This requires more than mere negligence.

 To find the defendant guilty of Involuntary Manslaughter, the State must prove beyond a reasonable doubt that:

1. the defendant

2. killed [insert name(s) of victim(s)],

3. in [insert name of county] County, West Virginia,

4. and did so unlawfully.

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

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

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

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 JUDGE