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. \_\_\_\_

Count \_\_ of the indictment charges the defendant with Abduction. One of two verdicts may be returned by you under this Count of the indictment:

(1) guilty of Abduction; or

(2) not guilty.

Abduction occurs when any person takes away or detains another person against such person’s will with the intent to marry or defile such person, or to cause such person to be married or defiled by another person.

The burden is on the State to prove the defendant’s guilt beyond a reasonable doubt and the defendant is not required to prove [himself] [herself] innocent. [He] [She] is presumed by the law to be innocent of this charge and this presumption remains with [him] [her] throughout the entire trial.

Before the defendant can be convicted of Abduction, the State must overcome the presumption that the defendant is innocent and prove beyond a reasonable doubt that:

1. the defendant,

2. in [insert county] County, West Virginia,

3. on or about the \_\_ day of [insert month], [insert year],

4. {did take away [insert name(s) of victim(s)]} {did detain [insert name(s) of victim(s)]}

5. against the will of [insert name(s) of victim(s)], and

6. the defendant did so with the intent to: {marry [insert name(s) of victim(s)} {defile [insert name(s) of victim(s)]} {cause [insert name(s) of victim(s)] to be married by another person} {cause [insert name(s) of victim(s)] to be defiled by another person}.

If, after impartially considering, weighing and comparing all the evidence (that of both the State and the defendant), you are convinced beyond a reasonable doubt of the truth of the charge as to each of these elements of Abduction, you may find the defendant guilty. If you have a reasonable doubt of the truth of the charge as to any one or more of these elements, you shall find the defendant not guilty.

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

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

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

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JUDGE