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 killed [insert name(s) of victim(s)] in [insert county] County, West Virginia, and did so unlawfully, and also intentionally, then you may find the defendant guilty of Voluntary Manslaughter.

The essential difference between Involuntary and Voluntary Manslaughter is whether the defendant intended to kill the decedent. Intent requires more than purposely committing the act which resulted in death. It requires that the defendant undertook this action knowing it would likely result in the decedent’s death and that the defendant desired that outcome.

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

1. the defendant

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

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

4. unlawfully,

5. and intentionally.

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

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

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

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JUDGE