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 a person other than the father or mother illegally or for an unlawful, improper, or immoral purpose seizes, takes, or secretes a child less than 16 years old from the person or persons having lawful charge of such child.

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 (seize) (take) (secrete),

5. [insert name(s) of victim(s)], from [his] [her] lawful custodian, and

6. [insert name(s) of victim(s)] was a child under sixteen (16) years of age,

7. and the defendant was not the parent of [insert name(s) of victim(s)],

8. {for an illegal purpose, specifically, [insert purpose]} {for an unlawful purpose, specifically, [insert purpose]} {for an improper purpose, specifically, [insert purpose]} {for an immoral purpose, specifically [insert purpose]}.

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, you may find the defendant guilty of Abduction as charged. 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:\_\_\_\_\_\_\_\_\_\_\_\_

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

JUDGE