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 a child under the age of 16 years from any person having lawful charge of such child for the purpose of prostitution or concubinage.

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)]

5. from [insert parent or custodian],

6. who is [his] [her] [insert relationship] and had lawful charge of [insert name(s) of victim(s)],

7. that [insert name(s) of victim(s)] was under sixteen years of age, and

8. that such taking was with the intent and purpose on the part of the defendant of subjecting [insert name(s) of victim(s)] to [prostitution] [concubinage].

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 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:\_\_\_\_\_\_\_\_\_\_\_\_

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JUDGE