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 Threats to Kidnap. You may return one of two verdicts under this Count of the indictment:

(1) Guilty of Threats to Kidnap, or

(2) not guilty.

 A threat to Kidnap occurs when a person, with intent to extort from another person any ransom, money, or other thing, or a concession or advantage of any sort, shall, by any means of communication, directly or indirectly threaten to take away forcibly or by stealth, or otherwise to kidnap any person; it is also committed when a person directly or indirectly demands, by any means of communication, any ransom, money or other thing, or a concession or advantage of any sort, by threatening to take away forcibly or by stealth, or otherwise to kidnap any 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 Threats to Kidnap, 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 {orally} {in writing} {by other means, specifically: [insert means]}

5. {threaten to take [insert name(s) of victim(s)] away forcibly} {threaten to kidnap [insert name(s) of victim(s)]}

6. with the intent to extort from [insert name(s) of victim(s)]

7. [ransom] [money] [concession] [advantage of any sort] [other thing].

 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 Threats to Kidnap 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