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 Grand Larceny.

Grand Larceny occurs when a person takes and carries away the property of another person against that person’s will and with the intent to permanently deprive that person of ownership thereof, and the value of the goods taken is $1,000.00 or more.

To find the defendant guilty of Grand Larceny, the State must overcome the presumption of innocence and prove beyond a reasonable doubt that

1. the defendant,

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

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

4. unlawfully and feloniously

5. took and carried away

6. property, specifically [insert description of property],

7. which belonged to [insert name(s) of victim(s)],

8. against [insert name(s) of victim(s)]’s will,

9. with the intent to permanently deprive [insert name(s) of victim(s)] of that property, and

10. the property was valued at $1,000.00 or more.

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 as charged in Count \_\_ of the indictment. 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