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 Petit Larceny.

 Petit Larceny occurs when a person takes and carries away the goods and chattels 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 so taken is less than $1,000.00.

 Therefore, to find the defendant guilty of Petit Larceny, the State must overcome the defendant’s presumption of innocence and prove beyond a reasonable doubt that:

1. the defendant,

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

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

4. unlawfully and feloniously,

5. took and carried away,

6. goods and chattels, that is [insert description of property],

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

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

9. with the felonious intent to deprive [him] [her] of those goods and chattels permanently, and

10. the goods and chattels taken were of a value less than $1,000.00.

 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