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 Larceny of Bank Notes, Checks, Writings of Value, and Book Accounts.

The Offense of Larceny of Bank Notes, Checks, Writings of Value, and Book Accounts occurs when a person takes and carries away Bank Notes, Checks, Writings of Value, and Book Accounts 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 [less than $1,000.00] [$1,000.00 or more].

Therefore, to find the defendant guilty of Larceny of Bank Notes, Checks, Writings of Value, and Book Accounts the State must overcome the defendant’s 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. took and carried away,

5. Bank Notes, Checks, Writings of Value, or Book Accounts, specifically [insert description of property]

6. of another person, in this case, [insert name(s) of victim(s)],

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

8. with the intent to permanently deprive [insert name(s) of victim(s)]

9. of ownership thereof,

10. and the value of the [insert description of property] was [less than $1,000.00] [$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