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 Receiving or Transferring Stolen Goods.

Receiving or Transferring Stolen Goods occurs when, for a dishonest purpose, a person buys or receives from another person, or aids in concealing, or transferring to a person other than its owner, any stolen goods or other thing of value which he or she knows or has reason to believe had been stolen.

To find the defendant guilty of Receiving or Transferring Stolen Goods, 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. for a dishonest purpose,

5. {bought or received from another person, in this case [insert name]} {aided in concealing, or transferring to another person, in this case [insert name]}

6. stolen goods,

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

8. the defendant did not steal the goods, and

9. the other person was not the owner of the goods, and

10. the defendant knew or had reason to believe the property had been stolen.

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