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 Bringing into this State, Receiving, or Disposing of, Property Stolen in another State.

“Bringing into this State, Receiving, or Disposing of Property Stolen in another State” occurs when a person, for a dishonest purpose, brings into this State, or receives, converts to his or her own use, or sells, property of any character, of value, which was stolen in another state, and which he or she knows or has reason to believe was stolen.

To find the defendant guilty of Receiving or Disposing of Property Stolen in Another State, 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. brought, received, converted to [his] [her] own use, or sold,

6. property of any character, which

a. was of value,

b. belonged to [insert name(s) of victim(s)], and

c. was stolen in another state, and

7. the defendant knew or had reason to believe the property was 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