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 Falsifying Accounts.

“Falsifying Accounts” occurs when an officer, clerk, or agent of this State, or of any county, district, school district or municipal corporation, or of a banking institution or incorporated company, or a clerk or agent of any firm or person or unincorporated association, makes, alters, or omits to make any entry in any book of account of, or in any account kept by such State, county, district, school district, municipal corporation, banking institution, incorporated company, firm, person, or association of persons, or mutilate, destroy or conceal any such account or book of accounts, with intent in so doing to conceal the true state of any account, or to defraud the State or any county, district, school district, municipal corporation, banking institution, company, firm or person, or with intent to enable or assist a person to obtain money to which he or she was not entitled.

To find the defendant guilty of Falsifying 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. [was an officer, clerk or agent of this State] [was an officer, clerk or agent of a county, district, school district or municipal corporation of this State] [was an officer, clerk or agent of a banking institution] [was an officer, clerk or agent of an incorporated company] [was a clerk or agent of a firm or person or unincorporated association], and

5. made, altered, or omitted to make an entry in any book of account, or in any account kept by such entity or person or association of persons, or mutilated, destroyed, or concealed any such account or book of accounts,

6. {with intent in so doing to conceal the true state of any account to defraud the State, to defraud the county district, school district, municipal corporation, banking institution, company, firm or person} {with intent to enable or assist a person to obtain money to which [he] [she] was not entitled}.

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:\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JUDGE