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 Obtaining Money, Property and Services by False Pretenses, Token, or Representation—on Credit.

Obtaining Money, Property and Services by False Pretenses, Token, or Representation—on Credit occurs when a person obtains on credit from another person any money, goods or other property by representing that there is money due him or her or to become due [him] [her], and assigns the claim for such money, in writing, to the person from whom he or she obtains such money, goods or other property, and afterwards collects the money due or to become due, without the consent of the assignee, and with the intent to defraud.

Therefore, to find the defendant guilty of Obtaining Money, Property and Services by False Pretenses, Token, or Representation—on Credit, the State must overcome the defendant’s presumption of innocence and prove to you 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. obtained on credit

5. from another person, [insert name of person),

6. money, goods or other property, specifically [insert description of property],

7. by representing there is money {due [him] [her]} {[to become due [him] [her]},

8. and assigns the claim for such money,

9. in writing,

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

11. and afterwards collects the money due [him] [her]

12. without the consent of the assignee, and

13. with the intent to defraud.

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