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 Traffic in Counterfeit Credit Cards.

Trafficking in Counterfeit Credit Cards occurs when a person traffics in or attempts to traffic in ten or more counterfeit credit cards or credit card account numbers of another in any six-month period.

“Traffic” means:

1. To sell, transfer, distribute, dispense or otherwise dispose of any property; or

2. To buy, receive, possess, obtain control of or use property with the intent to sell, transfer, distribute, dispense or otherwise dispose of such property.

“Counterfeit Credit cards” means:

1. Any credit card or a representation, depiction, facsimile, aspect or component thereof that is counterfeit, fictitious, altered, forged, lost, stolen, incomplete or obtained in violation of this section, or as part of a scheme to defraud; or

2. Any invoice, voucher, sales draft or other reflection or manifestation of such a card.

To find the defendant guilty of Traffic in Counterfeit Credit Cards, the State must overcome the defendant’s presumption of innocence and prove beyond a reasonable doubt that:

1. the defendant,

2. from the \_\_ day of [insert month], [insert year], to the \_\_ day of [insert month], [insert year],

3. in [insert county] County, West Virginia,

4. [trafficked in 10 or more Counterfeit Credit Cards or credit card account numbers of another] [attempted to traffic in ten or more counterfeit credit cards or credit card account numbers of another]

5. in a six-month period

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