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 Casting Away, Destroying, or Interfering with Floating Craft. Casting Away, Destroying, or Interfering with Floating Craft occurs when a person willfully casts away or otherwise destroys a vessel within any county with intent to injure or defraud the owner of the vessel, or any owner of any property on board the vessel, or the insurer of such a vessel or property, or any part thereof.

 To find the defendant guilty of Casting Away, Destroying, or Interfering with Floating Craft, 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. willfully cast away or destroyed

5. a vessel,

6. with intent to injure or defraud the owner of the vessel or of any property on board the same, or the insurer of such vessel or property or of any part thereof.

 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