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 Causing Bodily Injury During an Arson Related Crime.

Causing Bodily Injury During an Arson Related Crime occurs when a person commits the offense of First Degree Arson, Second Degree Arson, Third Degree Arson, Fourth Degree Arson, Fourth Degree Arson by Placing Material or Explosives, Burning or Attempting to Burn Insured Property, Setting Fire on Lands, which then causes bodily injury to another.

The burden is on the State to prove the defendant’s guilt beyond a reasonable doubt; the defendant is not required to prove [himself] [herself] innocent—[he] [she] is presumed by the law to be innocent of this charge and this presumption remains with the defendant throughout this trial. To prove the defendant guilty of Causing Injury During an Arson Related Crime, the State must overcome the presumption the defendant is innocent 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. committed the offense of [First Degree Arson] [Second Degree Arson] [Third Degree Arson] [Fourth Degree Arson] [Fourth Degree Arson by Placing Material or Explosives] [Burning or Attempting to Burn Insured Property] [Setting Fire on Lands],

5. which caused

6. bodily injury

7. to another.

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