IN THE MAGISTRATE COURT OF _____ COUNTY, WEST VIRGINIA

State of West Virginia

v. Case No. _____

_____

MOTION TO TRANSFER TO CIRCUIT COURT

[State ex. rel. Burdette v. Scott, 259 S.E. 2d 626 (W.Va. 1979)]

The defendant having been advised of his/her right to a trial in magistrate court, and the defendant having expressed his/her desire to waive the right to a magistrate court trial and instead wishing to have his/her misdemeanor case go directly to the circuit court for hearing and resolution, the defendant hereby moves that his/her case be heard in the circuit court rather than in magistrate court.

_____ _____/____/_____ _____
Defendant Date Defense Counsel

The State (*initial one)*: ☐ does / ☐ does not object.

_____/____/_____ _____
Date Prosecutor/Assistant

ORDER TO TRANSFER TO CIRCUIT COURT

Having considered the motion and any objection by the State (*initial A or B*):

_____ A. The court GRANTS the motion and ORDERS that the captioned case be tranferred from the Magistrate court of this County. It is further ordered that the Magistrate Clerk shall forward the above-styled matter to the Circuit Court of this County.

_____ B. The Court DENIES the motion and ORDERS that the captioned case remain in the Magistrate Court of this County for further proceedings according to law.

ORDERED _____ day of _____, 20___.

_____
Magistrate