



Supreme Court of Appeals State of West Virginia

News

Administrative Office
1900 Kanawha Blvd., East
Bldg. 1, Room E-316
Charleston, West Virginia 25305
(304) 340-2305 Jennifer Bundy
(304) 340-2306 April Harless
(304) 558-4219 / TTY
(304) 558-1212 / FAX
Web Site: <http://www.state.wv.us/wvsca>
Twitter: [WVCourts](http://www.tweet.com/WVCourts)
Information Services Division
Email: Jennifer.Bundy@courtswv.gov
Email: April.Harless@courtswv.gov

Supreme Court to hold LAWS in Moundsville **For immediate release Wednesday, March 2, 2011**

MOUNDSVILLE, W.Va. – The Supreme Court of Appeals will fulfill a promise to students in the Second Judicial Circuit when it hears cases on Wednesday, March 9, at the Marshall County Courthouse, 600 Seventh St., Moundsville.

The LAWS program that had been scheduled for March 2010 in Moundsville was cancelled due to the high number of school days missed last year because of snow in the Northern Panhandle, so the Court is holding the program there this year. High school students from the Second Judicial Circuit (Marshall, Tyler, and Wetzel Counties) are once again invited.

Students from John Marshall High School's Broadcast Technology program will provide the live webcast of the Court session, which can be seen on the Supreme Court website. <http://www.state.wv.us/wvsca> (See separate release.)

LAWS (Legal Advancement for West Virginia Students) is a partnership between the court system, schools, the Bar, and the community. LAWS teaches students about the Judicial Branch of government. Since Justice Robin Jean Davis began the program when she was Chief Justice in 1999, more than 4,200 high school and college students in twenty-two counties have participated.

Teachers participating this year attended a training session with Supreme Court personnel and local circuit judges on Jan. 28 in the courtroom of the Marshall County Courthouse. At that session, teachers received information about the state and federal court systems, suggested exercises for students, and summaries of the real Supreme Court cases their classes will hear. Later, volunteer attorneys from the area met with students to discuss the court system and the cases.

On the day of LAWS, students will hear arguments in the case they have studied then meet with the attorneys who argued that case in a "debriefing" session. The attorneys and students also will have an informal lunch with Supreme Court Justices.

The Supreme Court held the first LAWS program in Beckley in 1999. Other LAWS programs have been held in Clarksburg, Huntington, Wheeling, Summersville, Martinsburg, Parkersburg, Charleston, Romney, Princeton, and Lewisburg.

"The Justices and I all regretted that we were not able to hold the LAWS program last year. We are really looking forward to our trip to Moundsville," said Chief Justice Margaret Workman. "We always enjoy the opportunity the program gives us to meet bright young West Virginians and show them how their legal system works. I personally

enjoy getting to talk to students at lunch. I have found their questions about our jobs insightful and their enthusiasm contagious.”

The Court will hear five cases that have been combined into three arguments on a Rule 20 Argument Docket. The schedule follows.

10:30 a.m. Students from Magnolia High School, Tyler Consolidated High School and Padon City High School will hear arguments in two cases combined into one argument and then remain in the courtroom for a debriefing with attorneys before going to lunch.

Edward L. Sims, II v. Joe Miller, Commissioner, WV DMV, No. 35673 – Petitioner West Virginia Division of Motor Vehicles appeals from a Nicholas County Circuit Court order reversing its revocation of respondent's driver's license. The DMV asserts the circuit court misstated the requirements for the administration of the Intoximeter and for the admission of the results of the blood test. DMV further asserts, *inter alia*, that the circuit court erred by imposing a previously nonexistent, negative inference against DMV because the investigating officer did not place the videotape of the arrest into the record. DMV seeks a reversal of the circuit court's final order or, in the alternative, a remand to DMV for a new hearing solely to consider issues related to the criminal case.

Robin D. Davisson v. Joe Miller, Commissioner, WV DMV, No. 35674 – The West Virginia Division of Motor Vehicles appeals from a Nicholas County Circuit Court order reversing the administrative revocation of respondent's driver's license. DMV asserts, *inter alia*, that the circuit court erred in allowing respondent to argue an issue not raised below and in finding that the failure to introduce a videotape at an administrative hearing gives an adverse inference that the videotape would be adverse to the testimony of the investigating officer. DMV seeks a reversal of the circuit court's decision and an affirmation of the final administrative order. In the alternative, DMV seeks a remand to the DMV commissioner for a new hearing solely to consider issues relating to respondent's associated criminal case.

11:30 a.m. Lunch with all students and Supreme Court Justices.

12:45 p.m. Students from Cameron High School and John Marshall High School will hear arguments in two cases consolidated into one argument.

SER Rhonda Bay v. Brenda K. Marshall, Magistrate for Wood County, No. 35736 – Petitioner in SER Rhonda Bay v. Brenda K. Marshall, Magistrate of Wood County; Rachel Ferguson, Magistrate of Wood County; Paulina Yearago, Clerk of the Magistrate Court of Wood County; and Alfred Pryor, No. 101320, seeks a writ of *mandamus* and prohibition to compel the magistrate court to accept the filing of her appeal to circuit court without the requirement of posting an appeal bond and without denial of an automatic stay.

SER Ashleigh & Daniel Jurkovich v. Hon. Jason Bennett, Magistrate, No. 35737 – Petitioners in SER Ashleigh and Daniel Jurkovich v. Russell W. Goodwin, Magistrate of Roane County; Brenda M. White, Clerk of the Magistrate Court of Roane County; and Clark Crider, Landlord, No. 101319, seek a writ of *mandamus* to compel the

magistrate court to allow the filing of an appeal without payment of circuit court filing fees.

1:30 p.m. Students from Cameron High School and John Marshall High School will hear arguments in a third case, then remain in the courtroom for a debriefing with the attorneys after Court adjourns for the day.

State v. Saladine Richardson, No. 35685 – Petitioner Saladine Richardson, convicted of malicious assault by jury, appeals a Marion County Circuit Court order sentencing him to serve two to 10 years, arguing that his arrest was made in violation of his Fourth Amendment right against illegal search and seizure, and that any evidence derived from a photo array containing his photograph was inadmissible at trial, including evidence derived therefrom tending to inculcate him as the perpetrator of the offense charged in the indictment.

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