

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

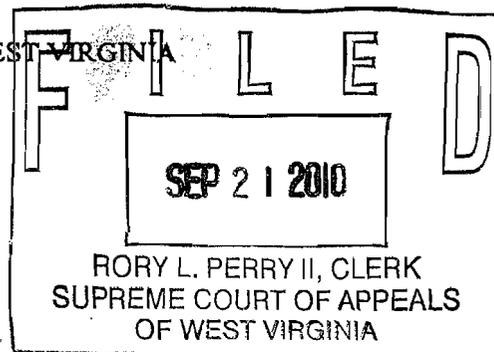
Keith William Deblasio,
Petitioner,

101136

vs.

Kimberly J. Jackson, Circuit Clerk,
and
John C. Yodel, Circuit Judge,
Respondents.

Case No. _____



RESPONSE OF RESPONDENT, KIMBERLY J. JACKSON
TO THE PETITION FOR A WRIT OF PROHIBITION AND MANDAMUS

Comes now the Respondent, Kimberly J. Jackson, Morgan County Circuit Clerk, by counsel, Debra MH McLaughlin, Morgan County Prosecuting Attorney, pursuant to Rule 14 (b) of the West Virginia Rules of Appellate Procedure to offer the following as her response to the Petition for Writ of Prohibition and Mandamus.

WV Code 59-1-11 requires the Clerk of the Circuit Court to "charge and collect for services rendered . . . such fees shall be paid in advance by the parties for whom such services are to be rendered." The Plaintiff, Keith Deblasio has not paid any filing fee and the Circuit Court Judge, John C. Yodel, denied his application to have the filing fees waived. As the Circuit Clerk, Kim Jackson requires either a waiver from the Court based on the financial affidavit or paid filing fees the law does not permit her to accept the civil complaint of Keith Deblasio at this time.

Should the Court grant the application for a waiver of filing fees based on financial inability to pay, the Clerk would be prepared to accept the same, as would be her duty.

WHEREFORE, the Respondent, Kim Jackson, Clerk of the Circuit Court, respectfully requests the Court deny the Petition for Extraordinary Relief in the nature of a Writ of Prohibition and Mandamus, at it pertains to the clerks actions in this matter.

Respectfully Submitted,
Kimberly J. Jackson, Circuit Clerk
Respondent,
By Counsel,

Debra MH McLaughlin
Morgan County Prosecuting Attorney
WV Bar ID 7999
77 Fairfax Street, Room 301
Berkeley Springs, WV 25411
304-258-8621

CERTIFICATE OF SERVICE

I, Debra MH McLaughlin, Prosecuting Attorney for Morgan County, do hereby certify that I have served a true copy of the foregoing Response of Kimberly J. Jackson upon Keith Dcblasio, Petitioner, by first class mail postage prepaid to the respective address of 15 Candlewood Lane, Great Cacapon, WV 25422, this 22 day of September, 2010.



Office of the Prosecuting Attorney
for Morgan County, West Virginia