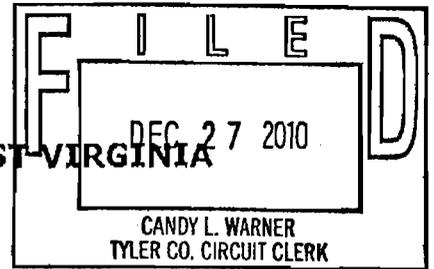


11-0089



IN THE CIRCUIT COURT OF TYLER COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

PLAINTIFF,

VS

Felony Case No. 10-F-29

Judge David W. Hummel, Jr.,

TIMOTHY J. JUDGE,

DEFENDANT.

ORDER

This 23<sup>rd</sup> day of December, 2010, came the State of West Virginia by D. Luke Furbee, Prosecuting Attorney for Tyler County, West Virginia, and the defendant appearing in person and by his counsel, John Gainer.

WHEREUPON, the cause came on to be heard upon Defendant's Motion to Dismiss Indictment.

WHEREUPON, the Court heard the arguments of counsel for the State and the Defendant upon said motion.

WHEREUPON, the Court had before it the Defendant's motion as aforesaid, the State's written response thereto, the arguments and representations of counsel thereon, and all other matters of record.

WHEREUPON, after mature consideration, the Court is of opinion to GRANT Defendant's Motion to Dismiss Indictment.

WHEREUPON, it is therefore ORDERED AND ADJUDGED that the Indictment herein be, and it is hereby DISMISSED.

WHEREUPON, it is ORDERED that Defendant's bond be, and it is hereby exonerated.

WHEREUPON, it is ORDERED that the Clerk shall transmit an attested copy of this Order to counsel of record.

It is so ORDERED AND ADJUDGED.

ENTER this 27<sup>th</sup> day of December, 2010.

David W. Hummel, Jr., Chief Judge

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.

Attest: Candy Warner, clerk

Circuit Court of Tyler County, West Virginia

By: Linda Hutchinson, Deputy