

11-0378

CC

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

MICHAEL E. BROWN,
Petitioner

ALL CHANDLER
CIRCUIT CLERK
CABELL WV

v.

CIVIL CASE NO. 02-C-357
JUDGE JOHN L. CUMMINGS

MICHAEL V. COLEMAN,
Acting Warden, Mount Olive Correctional Center,
Respondent

ORDER DENYING MOTION FOR RECONSIDERATION

This matter came before this Court on February 10, 2011, when counsel for the Respondent filed a Motion to Reconsider Order Granting Habeas Corpus Relief. Respondent's referenced motion came on for hearing before this Court on February 11, 2011. Appearing on behalf of the Petitioner were Mark McMillian, Esq., and James Cagle, Esq. Appearing on behalf of the Respondent was Christopher Chiles, Esq.

This Court has considered the Motion, the arguments at the hearing, and has reviewed all pertinent legal authorities. As a result of these deliberations, the Court has concluded that the Respondent has failed to establish a basis for relief on this issue and Respondent's motion for relief from the Court's judgment should be denied. This Court is of the opinion that its order entered on January 7, 2011, is correct.

Wherefore, Respondent's Motion to Reconsider Order Granting Habeas Corpus Relief is hereby ordered **DENIED**.

This Court is keenly aware of the change in status of the Petitioner that its orders will impose. To avoid any difficulties in changing the Petitioner's status, this Court hereby orders a stay of the execution of its orders until March 15, 2011. This stay only

applies to a change in the status of the Petitioner within the Department of Corrections and will not prevent either side (or both sides) from appealing this Order during the stay. This matter may be set for status conference after March 15, 2011.

Respondent objects and excepts to the findings of this Order and objects to and excepts to the findings of the original Order granting habeas corpus relief entered January 7, 2011.

The clerk shall distribute copies to the following parties:

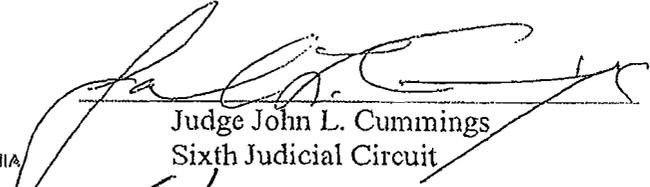
The Honorable Christopher Chiles
Cabell County Prosecutor
Cabell County Courthouse
750 Fifth Avenue
Huntington, WV 25701

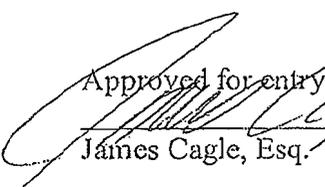
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1018 Kanawha Blvd. East
Suite 1200
Charleston, WV 25301

Michael E. Brown
Inmate #26137-1
Mt. Olive Correctional Center
One Mountainside Way
Mt. Olive, WV 25185

Enter this Order this 11th day of February, 2011..


Judge John L. Cummings
Sixth Judicial Circuit

Approved for entry: 
James Cagle, Esq. STATE OF WEST VIRGINIA
COUNTY OF CABELL
ADELL CHANDLER, CLERK OF THE CIRCUIT
COURT FOR THE COUNTY AND STATE OF SAID COUNTY
DO HEREBY CERTIFY THAT THE FOREGOING IS
A TRUE COPY FROM THE RECORDS OF SAID COURT
ENTERED ON FEB 11 2011
Christopher Chiles, Esq.

GIVEN UNDER MY HAND AND SEAL OF SAID COURT
THIS FEB 11 2011
 CLERK
CIRCUIT COURT OF CABELL COUNTY WEST VIRGINIA

ENTERED Circuit Court Civil Order Book
No. _____ Page _____ this