



IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

**State of West Virginia ex rel, State of West Virginia,
Petitioner**

Vs.) No. 13-0733

**Honorable Robert A. Burnside, Jr., Judge of the
Circuit Court of Raleigh County, West Virginia,
And Richard E. Hardison, Jr., Criminal Defendant
Below and Real Party in Interest here
Respondents**

RESPONSE

Respondent Robert A. Burnside, Jr., Circuit Judge

This respondent avers that the challenged action is supported by the existing record and deems it contrary to his judicial duty to present written or oral argument in response to the Petition for Writ of Prohibition unless required or requested to do so by this honorable Court.

This respondent prays that upon examination of the ruling and order challenged herein and the existing record this honorable Court will refuse the Petition for Writ of Prohibition.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Robert A. Burnside, Jr.", written in black ink.

Robert A. Burnside, Jr.
Circuit Judge of Raleigh County

CERTIFICATE OF SERVICE

Robert A. Burnside, Jr., a respondent herein, certify that on the **30th day of July, 2013**, he served his response to the Petition for a Writ of Prohibition upon the persons listed below by depositing true and correct copies thereof in the United States Postal Service, first class postage prepaid, addressed as follows:

Scott E. Johnson, Esq.,
Senior Assistant Attorney General
812 Quarrier St., 6th Floor
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Timothy A. LaFon, Esq.
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Thomas G. Truman, Esq.,
Chief Deputy Prosecuting Attorney of Raleigh County
215 Main Street
Beckley, WV 25801

A handwritten signature in black ink, appearing to read "Robert A. Burnside, Jr.", written over a horizontal line.

Robert A. Burnside, Jr.
Circuit Judge of Raleigh County
Respondent