

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 30th of October, 2014, the following order was made and entered:

State of West Virginia ex rel. Scott R. Smith,
Prosecuting Attorney of Ohio County, West Virginia,
Petitioner

vs.) No. 14-0981

Honorable David J. Sims, Judge of the First Judicial Circuit;
and J.Y., Respondents

On September 30, 2014, came the petitioner, Scott R. Smith, Prosecuting Attorney of Ohio County, West Virginia, by counsel Christopher S. Dodrill, Attorney General's Office, and presented to the Court his petition praying for a writ of prohibition to be directed against the respondent, Honorable David J. Sims, Judge of the First Judicial Circuit, as therein set forth. Thereafter, on October 23, 2014, the respondent, J.Y., by counse Justin M. Hershberger, Hershberger Law Office, filed a written response thereto.

Upon consideration, the Court is of the opinion that a rule should be awarded herein. It is therefore considered and ordered that a rule does hereby issue commanding and directing the said respondents, to show cause, if any they can, why a writ of prohibition should not be awarded against Honorable David J. Sims, Judge of the First Judicial Circuit, as prayed for by the petitioner in the said petition.

It is further ordered that this matter shall be scheduled for consideration and oral argument under Rule 20 of the Rules of Appellate Procedure to be held on a date during the January 2015 Term of Court.

The Clerk will, at a later date, furnish counsel of record with a Notice of Argument pursuant to Rule 20(b), which will contain additional information regarding argument.

It is finally ordered that this matter shall be submitted on the pleadings previously filed, without further briefing.

A True Copy

Attest: /s/ Rory L. Perry II, Clerk of Court

