18-0882

IN THE WEST VIRGINIA SUPREME COURT OF APPEALS

DAVID E. TACKETT,
PETITIONER,

V. CASE NO: 17-F-238-H

STATE OF WEST VIRGINIA
RALEIGH COUNTY CIRCUIT COURT,
RESPONDANT,

FILED
OCT 11 2018
EDYTHE NASH GAISER, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

PETITION FOR WRIT OF MANDAMUS FOR THE PRODUCTION OF DOCUMENTS

Comes, now your Petitioner David E. Tackett, prose and submits this writ of Mandamus requesting this Honorable Court to make the same returnable to itself and the aforementioned Respondant. And thereafter grant relief to the Petitioner, in the

Form of an Order directing the Raleigh County Circuit Clerk to transmit verified photocopies of documents and disk herein requested to the Petitioner at his place of incarceration. In support of said Petition the Petitioner avers the following:

1. The Petitioner was charged by Indictment No: 17-F-238-H dated May 8, 2017 which consist of Count I Burglary (W.Va Code 61-3-11) Count 2 and 3 First Degree Sexual Assault (W.Va Code 61-8B-3) and Count 4 Mandatory Sentencing for Sex Offender (W.Va Code 61-8B-9a Please See: Exhibit (A)
2. On August 7, 2018 the Petitioner entered a guilty plea to all charges aforesaid. In addition on this same date the Petitioner entered a guilty plea to an Information of Former Convictions (W.Va Code 61-11-18 and 61-11-19). Subsequently the Petitioner was sentenced to life in prison (W.Va Code 61-11-18(c) Please See Exhibit (B)

3. Thereafter on August 27, 2018 the Petitioner filed a Petition For Production of Documents. In the Raleigh County Circuit Court. The said Circuit Court has failed to respond. Please see: Exhibit (C).

4. The Petitioner is requesting the following documents/disk in relation to aforesaid Indictment number:

a. Copy of all Court Orders entered
b. Copy of all transcripts of pre-trial hearings
c. Copy of all plea agreements and copy of transcripts of plea hearing.
d. Copy of all evidentiary Disk, including the West Virginia State Police Forensic Laboratory Discovery Disk.

5. The Petitioners paticular need for said request is to perfect his Habeas Corpus claim In regards to not entering his guilty plea voluntarily and intelligently.

WHEREFORE, the Petitioner is remediless, save by means of said Mandamus, and humbly prays this Honorable West Virginia Supreme Court of Appeals to issue an Order directing the Raleigh County Circuit Clerk to fulfill his ministerial duties, and transmit the aforementioned documents and disks to the Petitioner within thirty (30) days to perfect post-conviction proceedings.

Respectfully submitted,
David E. Tackett
David E. Tackett
Southern Regional Jail
1200 Airport Road
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