

No. 25980 - State of West Virginia v. Henry Theodore Allen, II

FILED

January 6, 2000

DEBORAH L. McHENRY, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

RELEASED

January 7, 2000

DEBORAH L. McHENRY, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

Starcher, C. J., dissenting:

I dissent because this defendant was clearly the subject of improper “piling on” of criminal charges. Why? Because he acted contemptuously toward the police. I also dissent because the sentence of 7 years in jail is contrary to our law’s system of incarceration, where people serving long sentences go to prisons where there are rehabilitative opportunities. I would reverse the defendant’s sentences and remand with an order requiring the imposition of concurrent sentences.