

No. 31857 – *State of West Virginia v. Harry David Leonard*

Starcher, J., dissenting:

**FILED**

**July 14, 2005**

released at 3:00 p.m.

RORY L. PERRY II, CLERK  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA

Upon reviewing Justice Albright’s separate opinion in dissent, I am persuaded that the defendant was entitled to a manslaughter instruction. Therefore, I join in Justice Albright’s dissent, and would reverse and remand for a new trial.