

**No. 14-0970** – *State of West Virginia, ex rel Michael W. Parker, Prosecuting Attorney for Randolph County, West Virginia v. The Honorable Thomas W. Keadle, Judge, et al.*

**FILED**

June 10, 2015

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

**Ketchum, Justice, dissenting:**

Judge Keadle was correct in granting a new trial because Juror Campbell was not stricken from the jury panel for cause. The jury questionnaire asked Juror Campbell if she had formed an opinion of the defendant's guilt. She answered, ". . . this person must have done something" meaning something wrong. She had formed an opinion before hearing the evidence.

The juror's answer was clear. It was not inconclusive or vague. When a prospective juror makes a clear statement of bias during *voir dire*, the prospective juror is automatically disqualified and must be removed from the jury panel for cause. Syl. Pt. 8, *State v. Newcomb*, 223 W.Va. 843, 679 S.E.2d 675 (2009).

Therefore, I dissent.