

No. 22488 - State of West Virginia v. Matthew Darin Deem

Cleckley, Justice, dissenting:

For the reasons stated in my concurring opinion in State v. Phalen, ___ W. Va. ___, ___, ___ S.E.2d ___, ___ (No. 22077 11/21/94), I respectfully dissent from the legal standard expressed in Syllabus Point 1 of the majority's opinion.