No. 22692 - State of West Virginia v. James Malcomb Linkous

Cleckley, Justice, dissenting:

I dissent to Syllabus Point 4 for the same reasons stated in my concurring opinion in <u>State v. Phalen</u>, ____ W. Va. ___, ___, 452 S.E.2d 70, 74-75 (1994).