

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.