

**IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA**

**September 2002 Term**

**FILED**

**November 27, 2002**  
RORY L. PERRY II, CLERK  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA

**No. 30696**

**RELEASED**

**November 27, 2002**  
RORY L. PERRY II, CLERK  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA

**STATE OF WEST VIRGINIA EX REL.  
JAMES WILLIAM BERRY, SR.,  
Petitioner,**

**V.**

**THOMAS L. McBRIDE, WARDEN,  
MT. OLIVE CORRECTIONAL CENTER,  
Respondent.**

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**Petition for Writ of Mandamus**

**WRIT GRANTED AS MOULDED**

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**Submitted: October 8, 2002**  
**Filed: November 27, 2002**

**James William Berry, Sr.**  
**Pro Se**

**Darrell V. McGraw, Jr.**  
**Attorney General**  
**Heather A. Connolly**  
**Assistant Attorney General**  
**Charleston, West Virginia**  
**Attorneys for Appellee**

**The Opinion of the Court was delivered PER CURIAM.**

**JUSTICE STARCHER concurs and reserves the right to file a concurring opinion.**