

**No. 31056       -       *White v. Haines, Warden***

**FILED**

**June 30, 2004**

**released at 3:00 p.m.**

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

McGraw, Justice, concurring:

I concur with the majority's decision to affirm the defendant's conviction, but I write separately to highlight the cautionary tale that Mr. White's case provides. The public often accuses the judiciary of providing criminals a "revolving door" on the jailhouse – letting criminals out too soon and giving them yet another chance to break the law.

I am pleased that the Court chose to close the door on Mr. White. The record shows that Mr. White has demonstrated a total lack of ability to stay out of trouble. He was charged in December 1985 with forgery and uttering, and again in January 1986 for another forgery. He was charged in April 1986 for breaking and entering and public intoxication. A judge let him out in 1989, and he committed another breaking and entering. He went back to prison in 1991, but was paroled in 1994, after which he robbed a bank. The majority is correct in affirming Mr. White's conviction, and preventing him from continuing his life of crime.