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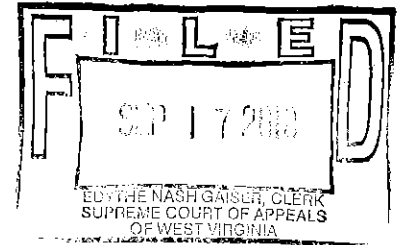
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**NO. 18-0139**

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

\_\_\_\_\_  
**CHARLESTON**  
\_\_\_\_\_



**STATE OF WEST VIRGINIA,  
Plaintiff Below,**

**Respondent,**

vs.

**No. 18-0139**

**JOHN RUSSELL SKIDMORE,  
Defendant Below,**

**Petitioner.**

\_\_\_\_\_  
**On Petition for Appeal  
from the Circuit Court of  
Monongalia County, West Virginia  
Case No. 17-F-184**  
\_\_\_\_\_

\_\_\_\_\_  
**PETITIONER'S REPLY BRIEF**  
\_\_\_\_\_

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Counsel for Petitioner

NO. 18-0139

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

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STATE OF WEST VIRGINIA,  
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**PETITIONER'S REPLY BRIEF**

Petitioner John Russell Skidmore makes the following arguments in reply to the contentions made by Respondent in its brief:

**Summary of Argument**

1. The Respondent misconstrues the clear evidence and unequivocal representations made by its counsel below concerning how the stop of Petitioner's vehicle occurred. It is clear that only Officer Huyett, and no other police officer or agency with territorial jurisdiction, was "solely responsible for that stop." Petitioner's Brief at p. 8; AR 254 and 257.

2. The Respondent does not credibly identify legally sufficient facts appearing in the record to support its argument that reasonable grounds existed for Officer

Huyett to effectuate the stop of Petitioner's vehicle more than two miles beyond the corporate limits of the Town of Granville. Petitioner's Brief at 4-10; 14-18.

3. The Respondent ignores Detective Trejo's sworn testimony and candid admission that the delay in taking Petitioner and the others to the Morgantown Police Department was to obtain statements and confessions from them, clearly violating the primary purpose of the prompt presentment rule. Petitioner's Brief at p. 19; AR 38.

4. The Respondent, improperly conflates the required *Miranda* warning "that an individual held for interrogation must be clearly informed that he has the right to consult with a lawyer and to have the lawyer with him during the interrogation," with the words contained in the Statement of Rights form utilized by the Morgantown Police Department in this case, which states, "you may have him present while being questioned." Petitioner's Brief at pp. 20-21; AR 305. Thus, Petitioner's constitutional rights to be free from self-incrimination were violated in this case.

#### **Request for Relief**

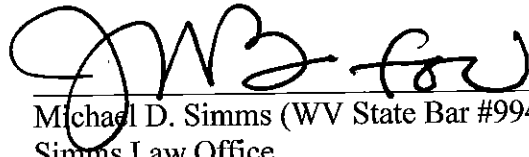
WHEREFORE, Petitioner makes the same request for relief as set forth in his previously-filed brief.

Respectfully submitted this 13<sup>th</sup> day of September, 2018.



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A handwritten signature in black ink, appearing to read "MDS for", is written over a horizontal line.

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