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IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,
Plaintiff,

v.

DANNY IVAN MENDOZA,
Defendant.



Civil Action No. 20-F-45 MJO

ORDER

WHEREFORE, on this date, the Court took up the *State of West Virginia's Motion to Continue (Motion)*. Importantly, the Court FINDS sufficient cause to justify a continuance of trial does NOT EXIST. The State requested a continuance due to the State Medical Examiner neglecting to produce an autopsy report by the time of trial. Defendant took no position regarding State's request for continuance. Specifically, the State Medical Examiner received the decedent's body sixteen (16) months ago and has yet to produce an autopsy report. Notwithstanding, this Court is bound by the policy of the law of West Virginia which requires that, without good cause, Defendant's right to a speedy trial be held above all else. The Defendant was indicted in the previous term of this Court and remains in jail awaiting trial. Accordingly, being that it is not the fault of this Defendant that the State Medical Examiner was derelict in its duties, resulting in a violation of this Court's Scheduling Order, the Court has determined that good cause does NOT EXIST to continue this trial. Moreover, due to the lack of disclosure of evidence resulting from the autopsy or the identification of an expert witness to substantiate the same, any photos and/or testimony from the State Medical Examiner's Office will be EXCLUDED from trial. Hence, the subject *Motion* is DENIED.

It is so ORDERED.


It is further ORDERED that the Clerk of this Court shall send certified copies of this Order to all parties and counsel of record.

ENTERED this 22nd day of December 2020.



HON. MICHAEL J. OLEJASZ
First Judicial Circuit Judge

A copy, Teste:



Circuit Clerk