

In the Circuit Court of Putnam County, West Virginia

MARK A SORSAIA, PUTNAM COUNTY)
PROSECUTING ATTORNEY,)
Plaintiff,)
)
vs.))
)
LINDA HUNT, PUTNAM COUNTY)
MAGISTRATE,)
HARLEE BEASLEY,)
Defendants)
)

Case No. CC-40-2021-C-50

ORDER

CAME the 5th day of May 2021, the Petitioner by counsel, Assistant Prosecuting Attorney Jennifer Scragg Karr, and Respondent Harlee Beasley, by counsel, David O. Moye, Esq. for hearing on the Petition for Writ of Prohibition. Whereupon, the parties orally argued their positions.

After consideration thereof, the Court FOUND that subsection (f) of W.Va. Code §61-8-19 exempts farm livestock only "if kept and maintained according to usual and accepted standards of livestock". The Court declared that, in order to make sense, this provision must refer back to subjects other than "gaming fowl or wildlife kept in private or licensed game farms," such as farm livestock and poultry.

Therefore, the Court GRANTED the Petition for Writ of Prohibition and ORDERED that the case not be dismissed. Further, the Court REMANDED the matter back to the lower court for further proceedings. The Court noted the objections of Respondent Beasley.

Counsel for Respondent then moved the Court to certify the question to the West Virginia Supreme Court of Appeals. Petitioner objected thereto. After consideration thereof, the Court DENIED said motion and noted Respondent Beasley's objection.

The Clerk is hereby directed to ensure a copy of this Order is sent to Jennifer Scragg Karr, Esq., Assistant Prosecuting Attorney, and David O. Moye, Esq. counsel for Respondent Harlee Beasley.

IT IS SO ORDERED.

ENTERED this _____ day of May 2021.

Prepared by:

/s/Jennifer Scragg Karr

Jennifer Scragg Karr (#8051)
Assistant Prosecutor
Putnam County Prosecuting Attorney's Office
12093 Winfield Rd., Winfield, WV 25213
304-586-0205
Counsel for Petitioner

/s/ Joseph K. Reeder
Circuit Court Judge
29th Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtswv.gov/e-file/ for more details.