

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

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STATE OF WEST VIRGINIA
RESPONDENT,

V.

LOGAN CAMP
PETITIONER,

REPLY BRIEF

Paul S. Detch, WV Bar #1002)
Counsel for Petitioner
895 Court Street North
Lewisburg, W.Va. 24901
304-645-1993
detchlaw@suddenlinkmail.com

In conformance with Rule 10(g) of the West Virginia Rules of Appellant Procedure, your petitioner, Logan Camp, by his counsel, Paul S. Detch, humbly files this reply brief.

The State of West Virginia is disingenuous with this Court in its brief. The State has chosen to intentionally misrepresent the facts. The State indicates that the petitioner herein, Logan Camp, became dissatisfied with his sentence and then appealed, which is a total untruth. Further, the State attempts to draw attention away from the true facts to the plea bargain, which is not the issue at all.

The petitioner's position is that he was asking specific questions during the course of his plea to the magistrate. The magistrate specifically advised him that he could keep his firearms in his home on home incarceration. The magistrate then entered it into the record and initialed it. The magistrate may have corrected this particular provision after the home incarceration authorities had said that they could not accept him or that they were not going to honor the Court's Order, but this was done after the plea was entered.

The State of West Virginia cannot get around the fact that Logan Camp entered his plea after asking a specific question and being granted a specific guarantee in writing by the magistrate that he could keep his firearms. This case has nothing to do with the plea agreement or that he changed his mind after sentencing. Mr. Camp entered his plea under the false belief that the authorities would honor the directives of the magistrate court in saying that he could keep his firearms as a condition of his plea.

The State has offered no authority that indicates a presiding judge can falsify the consequences during a plea and later correct them and then misrepresent what the facts are after the plea.

The legal requirements are that the defendant must enter his plea and understand the

consequences. Today the Constitutional right to bear arms and to maintain and protect your home with firearms is in most quarters a Constitutional right, which if it's going to be waived by the defendant should be knowingly and intelligently waived. The petitioner did not knowingly waive his Constitutional rights on possessing a firearm in his possession.

This case should be remanded so the petitioner can withdraw his plea.

Respectively Submitted By:

s/sPaul S. Detch
PAUL S. DETCH
895 COURT STREET NORTH
LEWISBURG, W.VA. 24901
W.VA. BAR NO. 1002
304-645-1993
detchlaw@suddenlinkmail.com

CERTIFICATE OF SERVICE

The undersigned, Paul S. Detch, counsel of record for the petitioner does hereby certify that on the 23rd day of August, 2024, that a true copy of the foregoing REPLY BRIEF via the Supreme Court of Appeals of West Virginia E-filing system to the below named individuals.

Michele Duncan Bishop
Senior Assistant Attorney General
State Capitol Complex
Building 6, Suite 406
Charleston, W.Va. 25305-0220

PAUL S. DETCH
895 COURT STREET NORTH
LEWISBURG, W.VA. 24901
W.VA. BAR NO. 1002
304-645-1993