

IN THE MAGISTRATE COURT OF _____ COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

Case No.(s): _____

v.

Defendant

MOTION TO TRANSFER TO CIRCUIT COURT

State ex. Rel. Burdette v. Scott 259 S. E. 2nd 626, (W. Va. 1979)

The defendant having been advised of his/her right to a trial in magistrate court, and the defendant having expressed his/her desire to waive the right to a magistrate court trial and instead wishing his/her misdemeanor case go directly to the circuit court for hearing and resolution, the defendant hereby moves that his/her case be heard in the circuit court rather than magistrate court.

Defendant

Defense Counsel

Date

The State (*check one*): does does not object.

Date

Prosecutor/Assistant

ORDER TO TRANSFER TO CIRCUIT COURT

Having considered the motion and any objections by the State (initial A or B):

- _____ A. The court GRANTS this motion and ORDERS that the captioned case be transferred from the Magistrate Court of this County. It is further ordered that the Magistrate Clerk shall forward the above-styled matter to the Circuit Court of this County.
- _____ B. The Court DENIES the motion and ORDERS that the captioned case remain in the Magistrate Court of this County for further proceedings according to law.

ORDERED _____ day of _____, 20 ____.

Magistrate