

v.

\_\_\_\_\_  
Defendant

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**MOTION TO TRANSFER TO CIRCUIT COURT**

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*State ex. Rel. Burdette v. Scott 259 S. E. 2<sup>nd</sup> 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

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**ORDER TO TRANSFER TO CIRCUIT COURT**

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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