

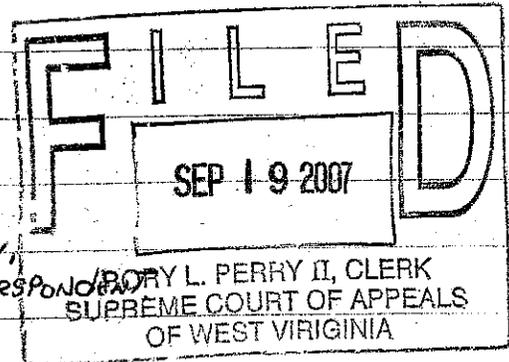
IN THE SUPREME COURT OF APPEALS, WEST VIRGINIA

STATE OF West Virginia ex rel.,

CASE NOS

Roger Emmett Cline, Petitioner.  
VS.

HONORABLE FRANK E. JOLLIFFE, Judge  
OF THE CIRCUIT COURT OF GREENBRIER COUNTY,



PETITION FOR WRIT OF MANDAMUS

Comes Petitioner, Roger E. Cline, Pro-se, who presents before this court his petition for writ of mandamus, and moves this court for an order to compel Judge Joliffe to issue a ruling on petitioner's writ of habeas corpus. Petitioner had filed a writ of habeas corpus post-conviction into the circuit court of Greenbrier County on March 21, 2003. The circuit clerk had by mistake filed the writ of habeas corpus into petitioner's criminal action, instead of filing the writ of habeas separate. (Attached petitioner's docket statement of his criminal action, in lines 16-20, you'll see the writ of habeas corpus that was filed March 21, 2003.)

Petitioner had filed another writ of habeas corpus on October 16, 2006, then had sent a new claim to be added to the writ of habeas corpus, which is a ground of newly discovered evidence, of a new witness the petitioner did not have the opportunity to present at his trial, and had no way of discovering the new evidence. This new witness did give petitioner a notary statement, which is attached. Petitioner also attach docket statement from the writ of habeas corpus that was filed on October 16, 2006.

PRAYER AND RELIEF

Wherefore, PETITIONER PRAYS THAT THIS SAID COURT WILL GRANT PETITIONER'S WRIT OF MANDAMUS, AND ISSUE AN ORDER TO JUDGE JOLLIFFE OF THE CIRCUIT COURT OF GREENBRIER COUNTY TO RESPOND TO PETITIONER'S WRIT OF HABEAS CORPUS.

RESECTFULLY SUBMITTED,

PRO-SE.

Roger Cline #18529

ST. MARY'S CORRECTIONAL CENTER

2880 N. PLEASANTS HIGHWAY

ST. MARY'S, W. VA.

26170

STATE OF WEST VIRGINIA

vs. ROGER EMMETT CLINE

LINE	DATE	ACTION
1	08/02/01	FOR INFORMATION BEFORE THIS DATE, SEE FILE
2	08/02/01	ORDER-MOTION FOR PRODUCTION OF DOCUMENTS IS DENIED; CLERK IS
3		UNDER NO OBLIGATION TO FURNISH THESE DOCUMENTS CRIM 67 PG 08
4	02/14/92	FINAL ORDER ENTERED
5	10/09/01	HAND-WRITTEN LETTER TO ANDREW RAPTIS FROM DEFENDANT REQUESTING
6		SPECIFIC DOCUMENTS & REPORTS ATTACHED TO LETTER FROM MR. RAPTIS
7		(GIVEN TO JUDGE W/FILE)
8	11/19/01	RECEIPT OF ACKNOWLEDGMENT OF PETITION FOR APPEAL FROM SUPREME
9		COURT, FILED
10	05/24/02	ORDER-SUPREME COURT OF APPEALS-PETITION DENIED - CRIM 69, PG 190
11	06/18/02	HAND-WRITTEN LETTER FROM DEFENDANT REQUESTING REPORTS, ETC.,
12		FROM HIS CRIMINAL CASE., FILED (GIVEN TO JUDGE J 06/19/02)
13	07/11/02	PETITION FOR COPY OF TRANSCRIPT, FILED (GIVEN TO JUDGE J)
14	02/25/03	ORDER-SUPREME COURT OF APPEALS-PETITION FOR WRIT OF MANDAMUS
15		IS DENIED - CRIM 72, PAGE
16	03/21/03	ORIG. & 2 COPIES OF POST-CONVICTION GROUNDS (11 THRO 16), FILED
17	11/20/03	ORIG. & 2 COPIES OF AMENDMENT TO THE POST-CONVICTION FILED MAR
18		21, 2003, FILED
19	01/13/05	ORIG. & 2 COPIES OF AMENDMENT TO GROUNDS 18, 19, & 20 TO THE
20		POST-CONVICTION - FILED

ROGER E. CLINE

vs. WILLIAM FOX, WARDEN

LINE	DATE	ACTION
1	10/16/06	ORDER - TRANSFER ORDER FROM PLEASANTS CO. TO GREENBRIER CO.
2		CIV 116 PAGE 216
3	10/16/06	PETITION FOR HABEAS CORPUS - FILED (**ORIGINALLY FILED IN
4		PLEASANTS COUNTY, WV ON OCT. 17, 2005)
5	10/16/06	ADDENDUM TO POST-CONVICTION HABEAS CORPUS (**ORIGINALLY FILED
6		ON 1/30/06 IN PLEASANTS CO.)
7	10/18/06	**MAILED APPLICATION TO PROCEED IN FORMA PAUPERIS AND AFFIDAVIT
8		TO ROGER CLINE
9	11/02/06	APPLICATION TO PROCEED IN FORMA PAUPERIS AND AFFIDAVIT FILED
10		BY ROGER CLINE
11	11/13/06	FILE GIVEN TO JUDGE

*Judge Jolliffe is assigned to your case.*

I George H. Ryder,

Swear to the following events are true and took place at the Greenbriar County Jail, during the time of approx. November of 1991.

Harry Joe Johnson stated to me the following: Harry Joe and Tammy Wilson had drugged Todd McQuaid with a "Mickie", and he passed out. Harry joe told me that he shot and killed him (Todd), and then got ahold of Roger (Cline), and had him come to the house to shoot him (Todd). Harry then stated that Roger's (Cline) bullets hit the floor and not one of his (Roger's) bullets had hit Todd. Harry said they convinced Roger (Cline) that he (Roger) had shot and killed him. Harry then stated he had Roger (Cline) take the body and get rid of it, while he (Harry) stayed to clean-up the mess.

Bobby adkins was also a witness to what was said to me while at the Greenbriar County Jail.

George H. Ryder  
George H. Ryder

VERIFICATION

I the undersigned, do herein swear and attest that the facts or allegations raised or stated are factual to the best of my knowledge and belief. As to the facts that are based upon beliefs of facts, I herin believe them to be true and swear and attest to the same with my signature.

Respectfully Sworn,

George H. Ryder  
George H. Ryder

State of West Virginia,  
County of Pleasants, to wit;

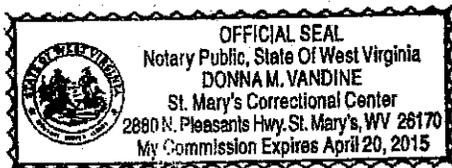
Taken, Subscribed, and sworn, before me a Notary Public in and for the State of West Virginia and the County of Pleasants on this 8 day of August, 2006.

MY COMMISSION EXPIRES:

April 20 12015

[Signature]  
NOTARY PUBLIC

AFFIX SEAL HERE:



**VERIFICATION**

I, Roger E. Cline, herewith state that to the best of my knowledge and belief the statements and facts herein presented are true and correct. As to those statements based upon beliefs of facts, I believe the same to be true and correct. With my signature, I swear and attest to the same.

SWORN AND ATTESTED,

Roger E. Cline  
Pro-Se

**STATE OF WEST VIRGINIA,**  
**COUNTY OF PLEASANTS, TO WIT:**

Taken, subscribed, and sworn before me a Notary Public in and for the County of Pleasants and the State of West Virginia on this the 14<sup>th</sup> day of Sept, 2007 A.D.

MY COMMISSION EXPIRES:

Sept 1 9 12008

Sandy L. Tanczyn  
NOTARY PUBLIC

AFFIX SEAL HERE:

