

No: _____

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

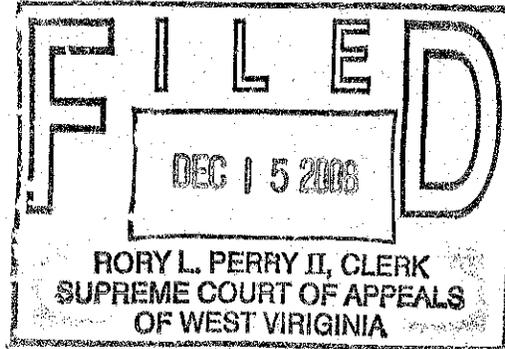
FREDDIE E. M. [REDACTED] JR.,

Petitioner,

v.

HONORABLE N. EDWARD EAGLOSKI, III,
Judge of the Circuit Court of Putnam County,
West Virginia,

Respondent.



FROM THE CIRCUIT COURT OF
PUTNAM COUNTY, WEST VIRGINIA

Case No.'s 08-JA-14,15,16, and 17

RESPONSE OF RICHARD RIDER TO PETITION FOR WRIT OF PROHIBITION

Joseph K. Reeder (WVSB# 5769)
REEDER & DUNHAM, PLLC
P.O. Box 1027
Hurricane, WV 25526
(304) 757-7320

3. Due to his separation from his child, Mr. Rider was also alleged to be an abusing parent in the State's petition on the basis of his alleged abandonment of his child, Kaitlyn R. Mr. Rider has no connection to the other children of Ms. Thomas or to the allegations against Ms. Thomas which are the subject of the petition against her and which provide the basis of Petitioner, Freddie E. M. [REDACTED] Jr.'s petition for a writ of prohibition herein.

4. A preliminary hearing was held in the Circuit Court of Putnam County, West Virginia on May 29, 2008 at which time the Court found probable cause to proceed with the cases against both Ms. Thomas and Mr. Rider. Adjudicatory hearings were held on June 24, 2008 and August 20, 2008.

5. In conjunction with the August 20, 2008 hearing, both accused parents, Ms. Thomas and Mr. Rider, entered into discussions with the State and the Guardian ad Litem for the children and reached separate stipulated agreements of adjudication with the State. Given the unrelated allegations against the parties, Mr. Rider and his counsel did not participate in any way in the negotiated agreement between Ms. Thomas and the State, nor did Ms. Thomas and her counsel participate in Mr. Rider's agreement. Both stipulated agreements were tendered to the Court and were adopted by reference in the Court's "Adjudication Order" entered September 22, 2008. See "Exhibit A."

6. A motions hearing was then set in this matter for November 13, 2008. At the hearing both Mr. Rider and Ms. Thomas, through their respective counsel, made oral motions for post adjudicatory periods of improvement pursuant to W.Va. Code §49-6-12. After hearing the proffer of counsel for Ms.

Thomas and Mr. Rider respectively, the prosecutor, the Guardian ad Litem and the CASA volunteer, the Court granted both Ms. Thomas and Mr. Rider's motions. No party, including Petitioner Meredith and his counsel, objected to the oral nature of the motions for periods of improvement. Furthermore, such motions are routinely made orally in the Circuit in question. Subsequent to the November 13, 2008 hearing, Petitioner M [REDACTED] filed his petition herein.

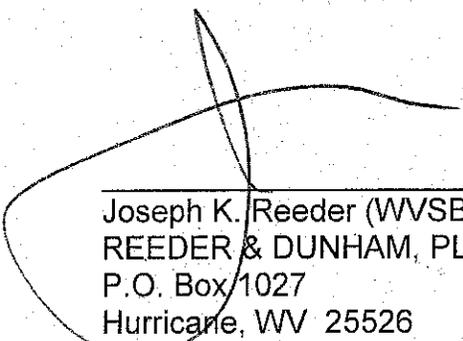
7. Other than to the extent any ruling herein may procedurally affect the oral motion for improvement period made on his behalf, Respondent Richard Rider takes no position as to the propriety of the granting of a period of improvement to Ms. Thomas. His sole interest in this matter is in moving forward with his agreed visitations with his daughter and attempting to re-establish a relationship with her. Kaitlyn R. is thirteen years of age and there are no allegations that she is currently malnourished or that she has been withheld nourishment.

WHEREFORE, Respondent, Richard Rider, takes no substantive position as to the granting of a period of improvement for Respondent Kari Thomas, or regarding the Petitioner's Petition for Writ of Prohibition, except insofar as it may procedurally affect his own motion for post adjudicatory period of improvement.

RESPECTFULLY SUBMITTED:

RICHARD RIDER,

By Counsel:



Joseph K. Reeder (WVSB# 5769)
REEDER & DUNHAM, PLLC
P.O. Box 1027
Hurricane, WV 25526
(304) 757-7320