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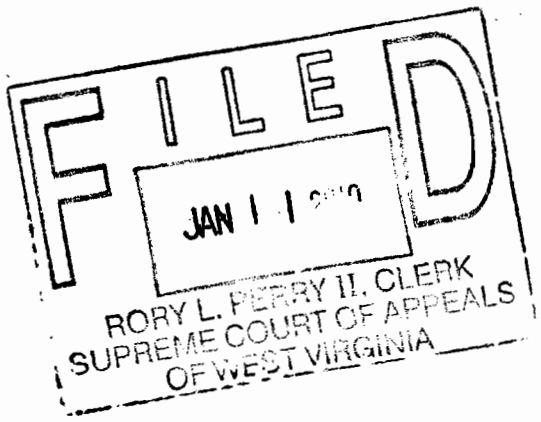

No. 34630

IN THE

Supreme Court of Appeals of West Virginia

SAMANTHA BEANE,

Plantiff,

v.

BARRY J. DAILEY II,

Defendant.

On Writ of Certiorari to the West Virginia Court of Appeals

BRIEF ~~AMICUS CURIAE~~ of Appellant
IN SUPPORT OF ~~DEFENDANT~~ Appellant, Petitioner

IN THE

Supreme Court of Appeals of West Virginia

No. 34630_____

SAMANTHA BEANE,

Plantiff,

v.

BARRY J. DAILEY II.

Defendant.

On Writ of Certiorari to the West Virginia Court of Appeals

BRIEF AMICUS CURIAE FOR THE SUPPORT OF DEFENDANT

STATEMENT OF THE CASE

1 I Barry J. Dailey II am submitting this brief upon the request of the Supreme Court of Appeals. I am requesting that this suit be dismissed based on the facts previously stated in the civil action case; *02-C-3230 Samantha Beane v. Barry J. Dailey II.* In consistence with police records and other media sources, this is simply an attempt to collect money to manintain not only her own reckless lifestyle, but also pay for other legal fines and court fees.

On the day of December 26, I Barry J. Dailey II was operating a motor vehicle when I was violently struck at the intersection of Beatrice Street and Seventh Avenue. The speeding on-coming vehicle was driven by a Thomas Oxley and Ms. Beane was a passenger.

I understand the plantiffs argument as to why she is in pursuit of medical compensation. The fact of the matter is that I was a witness to the plantiffs refusal to medical treatment from EMT's at the scene of the accident. I also aware that "whiplash" can not always be determined at the time of injury or supposed injury. Ms. Beane on the other hand was not only coherent and unharmed by the collision but also managed enough strength to yell obscenities at myself.

This has been an on going affair that has brought a grat deal of stress in my life, not only to me but my family as well. The affects go further than mental distress, but the ability to concentrate on previous employment and has taken its toll on personal relationships as well. It's become increasingly difficult to focus on anything positive since this relentless harassement from MS. Beane and her attorney. These accusation brought forth by the Plantiff are completely false, and I in fact was struck by a "speeding motorist", and believe both parties may have been under the influence, even though I have no proof of the accusations. Her criminal record shoukd prove the kind of citizen I am dealing with.

Sincerley, Barry J. Dailey II