

13-1111

IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA

DOUGLAS LIBERT,

Petitioner,

vs.

// CASE NO. 13-P-46-B
(Magistrate Court Case No. 12-M-3693)

STATE OF WEST VIRGINIA,

Respondent.

ENTERED
O.S. No. _____
Page _____

JUN - 4 2013

CAROLE JONES
CLERK CIRCUIT COURT

ORDER

This 14th day of May, 2013 appears Petitioner, in person, and by counsel, Eric K. Powell, and the State of West Virginia by Sean D. Francisco, Assistant Prosecuting Attorney in and for Wood County upon Petitioner's Petition for a Writ of Prohibition.

Whereupon, the Petitioner moves the Court for a writ of prohibition to order the above styled case dismissed, or in the alternative, order a retrial with the admission of the video. The State objects.

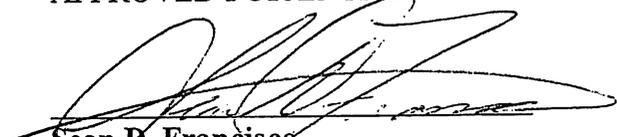
Whereupon, for reasons shown more clearly upon the record Petitioner's writ is **DENIED** and the matter is **ORDERED REMANDED** to Wood County Magistrate Court for retrial.

Defendant's bond is enlarged.

It is **ORDERED** that the clerk of this Court send a certified copy of this Order to all parties.

ENTER: 
J. D. Beane, Chief Judge

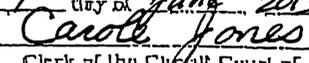
APPROVED FOR ENTRY:


Sean D. Francisco
Assistant Prosecuting Attorney
WVSB#8646

STATE OF WEST VIRGINIA,
COUNTY OF WOOD, TO-WIT:

I, CAROLE JONES, Clerk of the Circuit Court of Wood County, West Virginia, hereby certify that the foregoing is a true and complete copy of an order entered in said Court, on the 4 day of June, 2013, as fully as the same appears to be of record.

Given under my hand and seal of said Circuit Court, this the 4 day of June, 2013


Carole Jones
Clerk of the Circuit Court of
Wood County, West Virginia.
By:  Deputy

IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA

Douglas Libert,

Case No.: 13-P-46

Plaintiff,

VS.

Joseph Kuhl, Magistrate in and for Wood County, West Virginia,

ENTERED
O.B. No. _____
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Petitioner.

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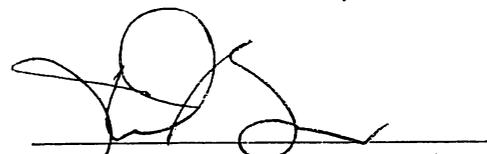
CAROLE JONES
CLERK CIRCUIT COURT

ORDER

On May 14, 2013, came the Petitioner, Douglas Libert, in person and by Counsel, Eric K. Powell, the State of West Virginia, by Sean Francisco, Assistant Prosecuting Attorney for Wood County, West Virginia, for a hearing on the Petitioner for a Writ of Prohibition previously filed herein.

After careful consideration of the evidence adduced at said hearing and the arguments and representations of Counsel, the Court hereby **FINDS** that Petitioner has failed to provide sufficient grounds for granting the relief requested herein and, therefore, **ORDERS** that the Writ prayed for herein is denied.

ENTERED this 3rd June day of May, 2013



Honorable J.D. Beane, Judge

Prepared by:


Eric K. Powell, Esq. WV State Bar 6258
500 Green Street, P.O. Box 31
Parkersburg, WV 26102
Phone: (304) 422-6555
Fax: (304) 422-2889

Copy Received and Approved as to Form:


Sean Francisco, Assistant Prosecuting Attorney
317 Market Street
Parkersburg, WV 26101
Phone (304) 424-1776

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

DOUGLAS LIBERT,

Petitioner

v.

Wood County Circuit Court

JOSEPH KUHL, Magistrate in
And for Wood County, WV,

Case No. 13-P-45

Respondent.

CERTIFICATE OF SERVICE

I, Eric K. Powell, hereby certify that on June 6, 2013, I have caused to be served upon the parties hereto listed below, a true and accurate copy of the attached ***Notice of Intent to Appeal*** by sending the same by U.S. Postal Service on same date to all the parties listed below with actual filing of same with the Clerk of the Circuit Court on June 6, 2013.

Office of the Prosecuting Attorney
Attn: Mr. **Sean Francisco**, Esq.
317 Market Street
Parkersburg, WV 26101

Wood County Magistrate Court
Attn: Magistrate **Joseph Kuhl**
401 Second St., Ste 12
Parkersburg, WV 26101



Eric K. Powell, Esq. WV State Bar 6258
Powell Law Office
500 Green Street
Parkersburg, WV 26101
304-422-6555