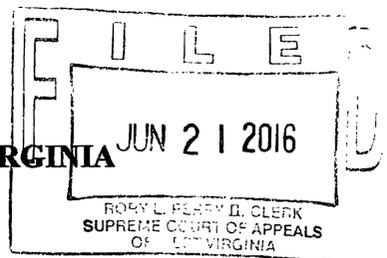


IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA



**STATE OF WEST VIRGINIA,
Plaintiff Below, Respondent**

Vs.

No.: 15-0894

**CHRISTOPHER R. WYCHE,
Defendant Below, Petitioner.**

**APPEAL FROM THE CIRCUIT COURT OF BERKELEY COUNTY
HONORABLE MICHAEL D. LORENSEN, JUDGE
CASE NO. 14-F-48**

REPLY BRIEF OF PETITIONER

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Counsel for Petitioner
Christopher R. Wyche

REPLY BRIEF

After reviewing the response of the Respondent, Petitioner respectfully asserts that he stands upon the recitation of the facts and arguments set forth in Petitioner's Appellate Brief. However, Petitioner does wish to address a factual inaccuracy set forth in the Respondent's Response that is improperly included to bolster the State's circumstantial case against Petitioner.

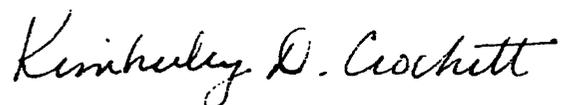
In the Statement of the Case, the State improperly alleges that "Petitioner and his co-defendant produced firearms. The Petitioner and his co-defendant then began to discharge those weapons in the parking lot, hitting and killing one man." This statement is unsupported by the evidence. All evidence at trial, including the testimony of surviving victim Antione Stokes, established that the Petitioner and his co-defendant were never seen with firearms. Mr. Stokes testified he never saw a firearm and never felt the strike of a firearm during the physical altercation that occurred in the parking lot between he, Petitioner, and his co-defendant, which was broken up by the sound of gun fire. Further, no firearms were ever introduced into evidence. This contention is strenuously in debate in this case.

The State asserts further that the surviving victim identified the petitioner as his attacker. While Mr. Stokes did indicate he was involved in a fistfight with the petitioner and his co-defendant, he also testified he never saw a weapon and did not know from where the weapon was fired. The petitioner asserts that the gunshots, which broke up the fight, were fired from away from the fighting men somewhere in the parking lot that was filled with people, including Roy Winston a suspect in the investigation whose DNA was recovered from the scene and an individual who was never cleared by law enforcement.

For the remaining arguments addressed in the State's response, Petitioner wishes to stand upon his previous arguments as set forth in his original brief.

Respectfully submitted
CHRISTOPHER R. WYCHE,

By Counsel



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IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

**STATE OF WEST VIRGINIA,
Plaintiff Below, Respondent**

Vs.

No.: 15-0894

**CHRISTOPHER R. WYCHE,
Defendant Below, Petitioner.**

CERTIFICATE OF SERVICE

I, Kimberley D. Crockett, do hereby certify that on this 21st day of June 2016, I have served a true copy of the **Reply of Petitioner** upon the State by hand deliver to:

CHERYL SAVILLE, ESQ.
Berkeley County Assistant Prosecuting Attorney
380 W. South Street
Martinsburg, WV 25401

Kimberley D. Crockett

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