

THE DEFENDER



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Inquiries, articles and suggestions
are always welcome.

Available in large print upon request.

FROM THE EXECUTIVE DIRECTOR'S CHAIR

by Jack Rogers

2008 Legislative Summary

First the good news: the Legislature has granted this agency a \$6 million supplemental appropriation for this fiscal year. Thanks to Governor Manchin and to your elected representatives are in order. Since additional funds were provided (and one additional staff person added in mid-February), we have paid \$2.6 million (February); \$2.8 million (March); \$2.1 million (April); and \$2.8 million (May). Previous average monthly payments were \$1.4 million through January.

The Governor's bill (H.B. 4022) passed and was signed into law on Monday, March 31, 2008. Beginning July 1, 2008, any voucher not paid within 90 "days" (the bill does not specify calendar or working days) begins accumulating interest from the ninety-first day at the "legal rate." Under the bill, abuse and neglect vouchers must be paid before any voucher of any other type can be paid. The bill also creates the Indigent Defense Commission. The Commission has a significant number of duties, including the authority to initiate the process of establishing more Public Defender offices.

Finally, H.B. 4022 shortened the time period for submission of vouchers from four years to 90 days. We anticipate a substantial increase in vouchers as a result, making timely payments even less likely. Despite the significant increase in payments noted above, we will close out the fiscal year having paid vouchers received through December, 2007 except for abuse and neglect vouchers, which will be current.

Unfortunately, we are scheduled to move from Building 3 sometime before the end of the summer and one voucher processing person has been off on medical leave since mid-April and will not return until July 1. Two steps forward, one back. In addition, we are undergoing major computer changes in both voucher processing and Public Defender reporting systems.

As always, we will attempt to shift as much money from Public Defenders to private vouchers as possible. However, state revenues are not collected uniformly throughout the fiscal year and sufficient funds may not be available on a monthly basis to pay a substantial increase in vouchers. Even if funds were to be shifted so as to cover voucher receipts, the Governor's budget request for FY 2009 was reduced below what will be necessary to accommodate all expenses. However, during the short term we are making significant progress and I look forward to the addition of Public Defender offices some time during the next fiscal year which will stabilize the private payment process in FY 2010. Thanks for your patience and understanding during this major transition period.

WV SUPREME COURT UPDATE

Spring 2008 Term Updates

All cases may be viewed online at: [http://www.state.wv.us/wvsca/docs/spring08/\(case#\).htm](http://www.state.wv.us/wvsca/docs/spring08/(case#).htm)

Lawyer Disciplinary Board v. Duty, No. 33069 – February 15, 2008– Per Curiam

ATTORNEY DISCIPLINE - SANCTIONS

A five-count statement of charges was filed against the respondent attorney, alleging several violations of the Rules of Professional Conduct, including (1) failing to act with diligence and to keep a client informed of the status of her case; (2) entering into a fee-sharing arrangement with a non-lawyer employee of his firm; (3) attempting to obtain expenses for which he could not provide documentation; (4) using a client's settlement proceeds to pay personal and business expenses and falsely testifying as to the use of such proceeds; and (5) attempting to withhold additional undocumented legal fees. The respondent admitted many of the violations, and testified that the incidents had occurred while he was addicted to Oxycontin. The Hearing Subcommittee determined that the respondent's chemical dependency did not rise to the level of avoidance of responsibility for the ethical violations.

Held: The Court concurred with the Subcommittee's findings that the respondents conduct violated numerous provisions of the Rules of Professional Conduct. The Court also adopted the recommended sanctions, including (1) the annulment of the respondent's law license; (2) restitution to one of the former clients; (3) that the respondent's law practice be supervised should his law license ever be reinstated; and (4) that the respondent pay the costs of the proceedings.

Law License Annulled. (Note: the respondent was granted rehearing and the case was reargued on May 21, 2008. The final opinion is still pending at this writing.)

Holcomb v. Sadler, No. 33669 – February 15, 2008 – Per Curiam (*Mercer County*)

EVIDENCE - TESTING- CONSUMPTION/DESTRUCTION OF SAMPLE

The petitioner was indicted for first-degree murder and death of a child by child abuse. Prior to the child's death, fingernail scrapings were obtained and sent to the State Forensic Laboratory. However, testing was not immediately performed because the lab notified the prosecuting attorney that DNA testing would result in the destruction/consumption of the sample.

The petitioner was advised of the likelihood of sample consumption and sought an injunction to prohibit DNA testing unless an independent laboratory was involved in the testing procedures. The circuit court denied injunctive relief, but ordered that the petitioner's expert could review the samples prior to testing by the State lab, and further ordered that the lab attempt to test the samples without complete consumption. The petitioner sought a writ of prohibition to prohibit enforcement of this order, asserting that the court's order would violate his right to have the scrapings subjected to independent testing.

Held: The Court noted that no such right exists, and that the petitioner's due process rights would be protected so long as the petitioner were provided with the opportunity to fully examine the documentary evidence of the tests results and cross-examine the expert conducting the test. The Court further noted that the petitioner's request was premature, because the evidence had not yet been tested and sufficient documentary evidence might be provided to permit the petitioner to adequately cross-examine the state's expert.

Writ of Prohibition Denied.

State v. Cyrus, No. 33453 – February 20, 2008– Per Curiam (*Mercer County - Frazier, J*)

EXPERT V. FACT WITNESSES - RULE 404(B) - INTRINSIC EVIDENCE

The appellant was convicted of two counts of sexual abuse by a custodian and two counts of incest. On appeal, the Court considered two assignments of error by the appellant: (1) that the circuit court had erroneously permitted the State to present testimony from three expert witnesses (a youth counselor, a CPS worker and a nurse practitioner) without prior disclosure pursuant to Rule 16 of the Rules of Criminal Procedure; and (2) that the circuit court had mistakenly introduced evidence of prior unrelated acts of abuse by the appellant against the victims in violation of Rule 404(b) of the Rules of Evidence.

Held: The Court accepted the State’s contention that the witnesses were not called as expert but as factual witnesses. The Court noted that any expert opinion that they may have offered was in response to questions from appellant’s counsel during cross-examination.

The Court also accepted the State’s contention that the evidence of prior abuse, which included allegations of physical and sexual abuse in another county, was not 404(b) evidence. The Court held instead that this testimony was intrinsic evidence that was “inextricably intertwined” with the offenses alleged in the indictment against the appellant.

Affirmed.

In Re: Summer D., No. 33386 – February 26, 2008 – Per Curiam (*Brooke County - Gaughn, J.*)

ABUSE AND NEGLECT - AMENDMENT OF PETITION

The guardian *ad litem* for an infant appealed the circuit court’s order denying the guardian’s motion to amend an abuse/neglect petition.

The original petition was filed against the child’s mother on the grounds that her parental rights to two other children had been previously terminated in the State of Missouri. After the mother was placed on a period of improvement, the guardian *ad litem* filed a motion to terminate the improvement period and to amend the petition to allege the father’s inability to protect the child because of the father’s refusal to acknowledge the mother’s parental difficulties. The circuit court granted the motion to terminate the improvement period, but denied the guardian’s motion to amend the petition.

Held: The Court declined the guardian’s request to review the evidence and declare the father an unfit parent, but reversed the circuit court’s refusal to permit amendment of the petition. Citing Rule 19 of the *Rules of Procedure for Child Abuse and Neglect Proceedings* and case law, the Court noted that Rule 19 has been liberally interpreted to permit amendments to abuse/neglect petitions.

Reversed and Remanded.

State v. Ferguson, No. 33530 – February 28, 2008– Per Curiam (*Mason County - Nibert, J.*)

DEFENSES- DIMINISHED CAPACITY

The appellant was convicted of voluntary manslaughter in connection with the shooting death of his neighbor. At trial, the appellant asserted a defense of diminished capacity through the testimony of Dr. Timothy Saar. Dr. Saar testified that due to the appellant’s schizo affective disorder, the appellant would not have been able to formulate the specific intent to kill his neighbor. No objection was made to this testimony.

During a subsequent discussion of jury instructions, the State objected to a proffered instruction on diminished capacity and asked that Dr. Saar's testimony be stricken. The trial court granted this motion and ordered Dr. Saar's testimony, and the testimony of the State's medical experts, stricken from the record. On appeal, the appellant asserted reversible error in the circuit court's decision to strike the testimony of Dr. Saar. The State conceded the error, noting that Dr. Saar's testimony was similar to that approved by the court in *State v. Joseph*, 214 W. Va. 525, 590 S.E. 2d 718 (2003).

Held: The Court, after discussing the applicable standards for the assertion of the defense, likewise compared the testimony to that offered in *State v. Joseph*. The Court noted that Dr. Saar's testimony was "adequate to support [appellant's] challenge to his capacity to form the intent to kill", and held that the circuit court was clearly wrong in striking the testimony.

Reversed and Remanded.

Carpenter v. Cicchirillo, Commissioner, No. 33654 – February 28, 2008– Per Curiam (*Kanawha County - Walker, J.*)

DUI - ADMINISTRATIVE PROCEEDINGS - STATEMENT OF ARRESTING OFFICER

The appellee was arrested for driving under the influence on May 18, 2003. At a subsequent administrative hearing, the arresting officer testified that he had mailed a Statement of Arresting Officer to Division of Motor Vehicles ("DMV") within forty-eight hours of the appellee's arrest. The record further indicated that the DMV contacted the arresting officer several weeks later and requested that he re-submit the Statement. No explanation was offered as to what had become of the original Statement. Following the revocation of his driver's license, the appellee appealed to the circuit court, which reversed the revocation on the grounds that the appellee's due process rights had been violated by the appellant's actions in actively seeking evidence from the arresting officer. The circuit court held that such actions violated the commissioner's obligation to be fair and impartial in administrative proceedings.

Held: The Court disagreed and reversed the decision of the circuit court. The Court discussed the DMV's "mandate to investigate and revoke a driver's license when it becomes aware of a legal violation". Citing *In re Burks*, 206 W. Va. 429, 525 S.E. 2d 310 (1999), the Court noted that an officer's failure to strictly comply with the time requirements under W. Va. Code §17C-5A-1(b) does not divest the DMV of its "duty to investigate and consider license revocation once it received the requested paperwork."

Noting that the appellee had failed to demonstrate actual prejudice as a result of the delay in receipt of the Statement of Arresting Officer, the Court reversed the circuit court's determination and reinstated the appellee's revocation.

Reversed and Remanded.

State ex rel. Waldron v. Scott, No. 33434 – March 18, 2008 – Per Curiam(*McDowell County - Stephens, J*)

HABEAS CORPUS - ASSERTION OF GROUNDS PREVIOUSLY ASSERTED ON APPEAL

Appellant was convicted of voluntary manslaughter in 2004 in connection with the May 2001 killing of Chantel Webb. The appellant's conviction was affirmed in *State v. Waldron*, 218 W. Va. 450, 624 S.E. 2d 887 (2005). The appellant filed a petition for post-conviction *habeas corpus* relief. Counsel was appointed and an amended petition was filed. The amended petition included the four assignments of error raised in the direct appeal and two additional assignments raised for the first time in the habeas petition.

The circuit court entered an order denying the appellant's petition for habeas corpus relief. On appeal the appellant asserted that the circuit court erred by failing to hold an evidentiary hearing prior to denying him relief, and that the circuit court's order lacked specific findings of fact and conclusions of law as to why the hearing was not required.

Held: The Court noted that the circuit court’s order “addressed and disposed of each issue set forth in the appellant’s habeas petition in such an exhaustive manner that there is no question as to why the appellant was denied an evidentiary hearing.” Citing W. Va. Code §52-4A-1(d), the Court observed that the first four issues asserted in the appellant’s petition had been previously adjudicated on their merits by the Court in the appellant’s direct appeal.

Regarding the remaining two issues, the Court held that the appellant had failed to provide facts to support his assertion that the state had knowingly used perjured testimony during his trial. The Court also affirmed the circuit court’s rulings that the appellant was not denied the effective assistance of counsel, because the acts or omissions of trial counsel were viewed as trial tactics and that there was no reasonable probability that the result of the proceedings would have been different but for trial counsel’s alleged errors.

Affirmed.

State v. Hawk, No. 33435 – April 7, 2008 – Per Curiam (*Roane County - Evans, J*)(*Teresa Monk, Spencer PD Office, for Appellant*)

EXCULPATORY EVIDENCE - DUTY TO DISCLOSE UNDER STATE V. YOUNGBLOOD

Appellant was indicted for fleeing from an officer in a motor vehicle while under the influence of alcohol. On the night before trial, a copy of the police report in the appellant’s case was left at the office of defense counsel. This report listed the identity of an individual who was arrested at the same time as the appellant. The appellant requested a continuance of the trial due to the late disclosure of the report. After a conference, the trial court determined that the person named in the report would not have been a material witness to the issues at trial and denied the motion.

The appellant was subsequently convicted and sentenced to one to five years in the state penitentiary. On appeal, the appellant argued that the late pretrial disclosure of the witness’ information violated his due process rights under *Brady v. Maryland*, 373 U.S. 83 (1963) and *State v. Hatfield*, 169 W. Va. 191, 286 S.E. 2d 402 (1982).

Held: The Court evaluated the appellant’s argument under the test of *State v. Youngblood*, 221 W. Va. 20, 650 S.E. 2d 119 (2007). In Syllabus point 2 of *Youngblood*, the Court set forth the standards to determine whether a violation of *Brady* and *Hatfield* had occurred: (1) the evidence at issue must be favorable to the defendant as exculpatory or impeachment evidence; (2) the evidence must have been suppressed by the State, either willfully or inadvertently; and (3) the evidence must have been material, i.e., it must have prejudiced the defense at trial.

The Court conceded that the second component of the *Youngblood* test had been satisfied, in that the report had clearly been willfully or inadvertently suppressed. The Court determined, however, that the appellant had failed to meet the remaining standards. The Court noted that it was speculative as to whether the prospective witness’ testimony would have been favorable to the defendant as exculpatory or impeachment evidence because the witness had provided no statement as to his observations.

The Court also held that the information contained in the report was not material to the appellant’s defense. The Court noted that the potential testimony would not have affected the result of the trial if it had been disclosed in a timely fashion, and would not have “place[d] the whole case in such a different light as to undermine confidence in the verdict.”

Affirmed.

State v. Carney, No. 33522 [consol. with **State v. Jarvis**] –April 25, 2008 – Per Curiam (*Mingo County-Thornsberry, J.*)

OBSTRUCTING AN OFFICER - SUFFICIENCY OF EVIDENCE

Petitioners were convicted of obstructing a police officer and conspiracy to obstruct a police officer. On appeal, the petitioners asserted that the evidence presented at trial was insufficient to establish that either had forcibly or illegally

hindered a police investigation into the 2004 murder of a Mingo County woman. The State asserted that the petitioners, who were assisting an attorney for one of the defendants, had hindered the investigation by (1) relocating a material witness out of Mingo County before she was to provide police with a statement regarding the homicide; (2) making false and defamatory statements about the investigating officers to another witness; and (3) unlawfully entering the home of another defendant and removing certain items.

Held: The Court agreed with the petitioners and reversed the convictions. The Court asserted that the language of W. Va. Code, §61-5-17(a) requires that a defendant either “forcibly” or “illegally” hinder a police officer.

The Court held that none of the petitioners’ conduct amounted to an illegal hindrance of the police investigation. Specifically, the Court stated: (1) that the removal of a witness out of Mingo County prior to the provision of a statement to the police was not an illegal act and did not hinder the investigation, as the witness provided the statement within a few days; (2) that statements made by the petitioners to a witness as to alleged corruption and sexual activities between the investigating officers and the homicide victim constituted protected free speech and did not deter the witness from cooperating with the authorities; and (3) that the entry into a co-defendant’s home by one of the petitioners was not illegal because it was accomplished with the consent of the homeowner, and any items removed from the home were not crucial to the investigation.

Reversed.

State v. Keesecker, No. 33377 – April 25, 2008 – Per Curiam (*Mercer County- Frazier, J.*)

IMPROPER CLOSING ARGUMENT BY PROSECUTING ATTORNEY - COMMENTS ON RIGHT TO REMAIN SILENT

Appellant was charged with several counts of third-degree sexual assault stemming from her sexual relationship with a fifteen-year-old youth. At trial, the state relied heavily in its case-in-chief upon a statement provided by the appellant to the State Police. The appellant chose not to testify at trial. The appellant was convicted of six counts and appealed, asserting, *inter alia*, improper comments by the prosecuting attorney during closing arguments.

The appellant specifically complained of the following remarks by the prosecutor: “And you heard her tell the same thing to the State Police. The exact same thing. Well, let’s talk about that for a little bit. They would want you to believe that you can’t trust this statement she gave to the State Police. You never heard anybody come in here and say this was a false statement.” The prosecutor also stated, “[n]o one came in here and said that she lied to the State Police. No one ever said the State Police wrote down wrong what she said.”

Held: The Court noted that previous decisions of the Court had held similar remarks to be an impermissible comment on a defendant’s right to remain silent, particularly when the subject matter of the remarks could have been contradicted only by the defendant. The Court determined that the appellant was the only witness who could have contradicted the details of her statement to the police. As such, the prosecutor’s comments that no one had denied the statements were, in the face of the appellant’s decision not to testify, prejudicial error and required reversal of the appellant’s convictions.

The Court denied several other assignments of error by the appellant, including (1) extensive invocation of religious and biblical references by the prosecutor during closing argument; (2) failure of the trial court to suppress her statement, which she asserted was involuntary due to assurances from another State Police officer (and family friend) that the matter could be best concluded by offering a truthful statement; (3) improper usage of recorded telephone conversations by the police during the investigation; and (4) the trial court’s refusal to grant probation.

Reversed and Remanded.

State v. Stamm, No. 33505 – May 23, 2008 – Davis, J. (*Harrison County - Matish, J.*)(*Greta Davis, Clarksburg P.D office, for Appellant.*)

FAILURE TO PROVIDE CHILD SUPPORT - UNCONSTITUTIONAL BURDEN SHIFTING

The appellant was indicted for failure to provide child support to a minor. At trial, the appellant asserted that he was unable to reasonably provide the required support. Under W. Va. Code §61-5-29 (1999), a person may be convicted of failing to provide support “which he or she can reasonably provide,” but the Code further provides that a “defendant’s alleged inability to reasonably provide the required support may be raised only as an affirmative defense[.]”The appellant argued on his motion for judgment of acquittal that the State had failed to prove a material element of the charge, i.e., that he had the ability to pay his child support obligations. On appeal, the appellant asserted that §61-5-29 unconstitutionally shifted the burden of proof to the defendant regarding the material element of a defendant’s ability to pay the support.

Held: The Court agreed with the appellant and reversed the appellant’s conviction. Citing a decision regarding a similar statute from Texas, the Court held that §61-5-29(3), which requires a defendant to present evidence of inability to pay violated the due process clauses of the West Virginia and United States Constitutions. The Court did not, however, invalidate the remainder of §61-5-29. The Court examined that the severability provisions set forth in *State v. Heston*, 137 W. Va. 375, 71 S.E. 2d 481 (1952) and determined that the provisions of §61-5-29 did not meet the criteria requiring invalidation of the entire statute.

Reversed and Remanded.

Lawyer Disciplinary Board v. Markins, No. 33256 – May 23, 2008 – Per Curiam

ATTORNEY DISCIPLINE - IMPROPER REVIEW OF ELECTRONIC COMMUNICATIONS

The respondent attorney was employed at a Charleston law firm. His wife, also an attorney, was employed at another Charleston firm. Believing that his spouse might be engaged in an extramarital affair with a client of her firm, the respondent began to secretly access his wife’s office e-mail account. The respondent subsequently accessed the e-mail accounts of eight other attorneys at his wife’s firm on more than 150 occasions.

The respondent’s activities were eventually discovered and disciplinary proceedings were initiated. The respondent did not contest the facts as asserted, and the Lawyer Disciplinary Board determined that the respondent had violated Rules 8.4(b) and 8.4(c) of the Rules of Professional Conduct. The Board recommended a two-year suspension of the respondent’s law license and other sanctions. The respondent contested the recommended sanctions.

Held: The Court noted numerous mitigating circumstances asserted by the respondent, and reviewed a report submitted by a psychologist indicating that the respondent would not have engaged in the misconduct but for the “significant emotional strain caused by concern for the integrity of his marriage.” The Court also reviewed the aggravating factors cited by Board, including the “rampant” access of e-mail accounts of numerous other attorneys of his wife’s firm and the impact of his misconduct on the firm.

Noting the widespread use of e-mail systems as a communication method between attorneys and clients and the importance of establishing a sanction that would act as an effective deterrent to other attorneys, the Court adopted the Board’s recommended sanctions.

Two-Year Suspension with Additional Sanctions.

State v. Brooks, No. 33662 – May 23, 2008 – Albright, J. (*Monongalia County - Stone, J.*)

JUVENILE TRANSFERS - JURISDICTION TO TRY CHARGES NOT ORIGINALLY SPECIFIED IN PETITION

The appellant was originally charged by a juvenile petition with the offense of first degree robbery. Following his transfer hearing, he was indicted for first degree robbery, malicious assault, and two counts of conspiracy. All of the charges stemmed from a single incident of robbery and assault occurring on February 12, 2005. The appellant was convicted on all charges and received a lengthy prison sentence. On appeal, the appellant argued that the trial court had erred by failing to dismiss the malicious assault and conspiracy counts. The appellant asserted that the trial court did not have jurisdiction to try him on these charges because the charges were not included in the original transfer hearing.

Held: Noting that the issue was one of first impression, the Court cited decisions from Kansas, Georgia and Rhode Island interpreting similar statutory transfer provisions. The Court noted that each of these states had determined that “additional charges can be brought in criminal court provided they are related to the same nucleus of facts at issue in the transfer hearing.” The Court held that when a juvenile transfer to adult status is mandatory under W. Va. Code §49-5-10(d)(2), charges other than those originally brought in the petition may be included in the indictment, provided that the charges originated from the same factual allegations as the original charge.

Affirmed.

State v. Lowery, No. 33660 – May 27, 2008 – Per Curiam (*Kanawha County - Bloom, J*) (*Crystal Walden, Kanawha PD Office, for appellant*)

PRIVILEGED COMMUNICATIONS - MOTIONS FOR MISTRIAL - PROOF OF AGE

The appellant was an employee at a Kanawha County church and began a sexual relationship with A.D., the fifteen-year-old daughter of an assistant pastor. When suspicions of the relationship arose, the appellant was advised by the church pastor to stay away from A.D. The appellant was subsequently indicted for several counts of sexual assault in the third degree and sexual abuse in the third degree.

During the appellant’s trial, the appellant’s pastor testified as to his advice to the appellant and to his observations of the appellant with A.D. During A.D.’s testimony, a spectator loudly cursed the appellant and was removed from the courtroom. The appellant was convicted of two counts of sexual assault and two counts of sexual abuse.

On appeal, the appellant asserted (1) that the pastor’s testimony violated the clergy communication privilege of W. Va. Code §57-3-9; (2) that the trial court erred by not granting a mistrial after the spectator’s outburst; and (3) that the State had failed to prove that the appellant was at least four years older than A.D.

Held: The Court reviewed the appellant’s arguments and affirmed the convictions. The Court held (1) that the clergy communication privilege did not apply to the pastor’s testimony because the appellant had not made any confidential communications to the pastor; (2) that there was no showing of a “manifest necessity” requiring a mistrial following the spectator’s outburst because the spectator was immediately removed from the courtroom and the jury was given a cautionary instruction; and (3) that sufficient evidence existed to prove that the appellant was more than four years older than A.D., including the appellant’s appearance and testimony that the appellant was married and was the father of more than one child.

Affirmed.

SELECTED BILLS –COMPLETED LEGISLATIVE ACTION 2008 REGULAR SESSION

Bill	Title	Date	Effective Date
SB 142	Relating to limited expungement of certain criminal records	03/08/08	Effective ninety days from passage
SB 145	Relating to reasonable force in defense of self, real and personal property	03/08/08	Effect from passage
SB 185	Clarifying mental conditions which prohibit firearms' possession and creating state registry of such persons	03/07/08	Effective ninety days from passage
SB 217	Reducing compliance time for nonresident traffic violations	03/06/08	Effective ninety days from passage
SB 270	Eliminating provisions requiring circuit clerks handle and disburse inmate moneys	03/05/08	Effective ninety days from passage
SB 286	Providing adult and child protective services workers personal immunity from civil liability	03/06/08	Effective from passage
SB 291	Appointing additional circuit court judge to Pendleton, Hardy, Hampshire, Mercer and Wayne counties	03/07/08	Effective ninety days from passage
SB 305	Clarifying procedures for seizing neglected or abused animals	03/06/08	Effective ninety days from passage
SB 492	Eliminating part-time prosecutors	03/08/08	Effective July 1, 2008
SB 535	Modifying certain penalties for DUI	03/08/08	Effective ninety days from passage
SB 580	Authorizing magistrate courts to accept unsigned citation payments	03/05/08	Effective ninety days from passage
SB 659	Increasing certain crime victims' benefits	03/08/08	Effective July 1, 2008
HB 3065	Relating to making false reports of child abuse, sexual abuse and domestic violence	03/07/08	Effective ninety days from passage
HB 4022	Relating to compensation and expenses of panel attorneys providing public defender services	03/08/08	Effective July 1, 2008
HB 4023	Provide for the denial or suspension of a driver's license for any student who withdraws from school or fails to receive passing grades	03/08/08	Effective ninety days from passage
HB 4075	Providing for a video recording device monitoring system during Amber Alert periods	03/08/08	Effective ninety days from passage
HB 4344	Relating to the criminal offense of cruelty to animals	03/06/08	Effective ninety days from passage
HB 4368	Reducing acts of student violence and disruptive behavior and increasing penalties for chronically disruptive students	03/07/08	Effective ninety days from passage
HB 4388	Authorizing the West Virginia Supreme Court of Appeals to maintain a domestic violence database	03/08/08	Effective from passage
HB 4389	Removing requirement that resident violators of traffic laws be required to sign citations	03/07/08	Effective ninety days from passage
HB 4484	Relating to the criminal offense of stalking	03/08/08	Effective ninety days from passage
HB 4644	Relating to the forfeiture of bail	03/07/08	Effect from passage

UPCOMING EVENT

WEST VIRGINIA PUBLIC DEFENDER SERVICES 2008 ANNUAL PUBLIC DEFENDER CONFERENCE

JUNE 20 & 21, 2008
Snowshoe Mountain Resort
Snowshoe, West Virginia
(877) 441-4386

West Virginia Public Defender Services will be sponsoring its annual Public Defender Conference on June 20-21, 2008 at Snowshoe Mountain Resort in Snowshoe, West Virginia.

The Conference will be open to both public defenders and private criminal defense counsel. This Conference will feature a number of speakers and address a wide variety of topics pertinent to the criminal defense practitioner.

This year, there will be a **\$ 100.00 non-refundable registration fee for private bar counsel members**. Please register as soon as possible, as the number of participants is limited.

Continuing Legal Education Certification: The Conference has been submitted to the West Virginia State Bar for CLE certification. The Conference will average approximately 10.5 total hours of CLE credit, including approximately 1.2 hours in ethics/law office management. A detailed agenda will be mailed upon registration.

Make checks payable to **West Virginia Public Defender Services** and mail along with your registration form.

2008 Annual Public Defender Conference at Snowshoe Resort, Snowshoe, West Virginia June 20 & 21, 2008

of Persons Attending _____ at \$100.00 each Amount Enclosed \$ _____

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