

IN THE CIRCUIT COURT OF _____ COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

vs.

Case No. _____

_____,

Defendant.

ORDER OF DISQUALIFICATION

On the _____ day of _____, 20____, came the State by _____, Prosecuting Attorney in and for _____ County, West Virginia and also came the above named defendant, in person and by counsel, and _____ moved the Court that said Prosecuting Attorney and his/her staff be disqualified from the above styled case and for the appointment of a Special Prosecutor.

Upon full and mature consideration of all matters presented to the Court by the parties, the Court is of the opinion to, and does hereby, grant said Motions for disqualification and appointment of a Special Prosecutor regarding further proceedings herein.

It is accordingly ORDERED that the Office of the Prosecuting Attorney of _____ County, West Virginia, is hereby disqualified from further proceedings herein and, to facilitate appointment of a Special Prosecutor, the Court will request that the West Virginia Prosecuting Attorneys Institute appoint a Special Prosecutor pursuant to the provisions of West Virginia Code § 7-4-6.

It is further ordered that the Clerk of this Court make, prepare and transmit a copy of this Order to the Office of the Prosecuting Attorney of

_____ County, West Virginia, which shall serve as notice of disqualification, and it is also ordered that the Clerk of this Court make, prepare and transmit an additional copy of this Order together with the Request for Appointment of Special Prosecutor Form to Philip W Morrison, II, Executive Director of the West Virginia Prosecuting Attorneys Institute, 1124 Smith Street, SUITE 4500 Charleston, West Virginia 25301.

It is further ORDERED that that the confidentiality status listed in the attached judicial request for appointment of special prosecutor be incorporated herein as a finding of this court in this matter and adhered to accordingly.

ENTERED: _____

_____, Judge

REQUEST FOR APPOINTMENT OF SPECIAL PROSECUTOR

TO: WEST VIRGINIA PROSECUTING ATTORNEYS INSTITUTE
1124 Smith Street, SUITE 4500
CHARLESTON, WEST VIRGINIA 25301

FROM: JUDGE _____
JUDGE OF THE CIRCUIT COURT OF _____
COUNTY, WEST VIRGINIA

RE: CASE STYLE AND NO. _____

Initial Request for Prosecuting Attorney Disqualification was made by:

_____ Prosecuting Attorney moved Court to be disqualified*

_____ Defendant/Defense Counsel

_____ Court disqualified Prosecuting Attorney Sua Sponte

_____ Other:

* Prosecutor to provide Information Sheet when making initial request or
when directed by court

REASON FOR REQUEST:

BRIEF SUMMARY AND STATUS OF CASE: _____

ESTIMATION OF TIME REQUIRED:

REMARKS/COMMENTS:

JUDGE OF THE CIRCUIT COURT OF

Date

_____, COUNTY, WV

REQUEST TO REMAIN CONFIDENTIAL: _____ yes _____ no

REQUEST FOR APPOINTMENT OF SPECIAL PROSECUTOR

INFORMATION SHEET

Information provided by:

_____ Prosecuting Attorney

_____ Other: _____

Criminal Case Style and No.:

County: _____

State the facts that form the basis for Prosecutor disqualification:

Specify the Rule of Professional Conduct, ethics opinion, WV Supreme Court case cite, statute or other authority that forms the legal basis for disqualification of the Prosecutor: _____

Summarize the facts of the underlying offense for which Special Prosecutor is requested: _____

State the crime(s) involved:

State the date, place and type of hearing(s) set:

State the name and phone number of any investigating officer:

Prepared by: _____ Signature: _____

Attach to Request for Appointment of Special Prosecutor Form