

**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 Jim E. Samples, 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**