

APPENDIX A

TABLE OF CONTENTS:

Decision by the West Virginia Supreme Court
of Appeals in the case of *State of West
Virginia v. Jeremy Dale Bartram*, Docket No.
21-0791, Filed December 6, 2022

FILED
December 6, 2022

EDYTHE NASH GAISER, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

State of West Virginia,
Plaintiff Below, Respondent

vs.) No. 21-0791 (Cabell County No. 19-F-228)

Jeremy Dale Bartram,
Defendant Below, Petitioner

MEMORANDUM DECISION

Petitioner Jeremy Dale Bartram appeals the July 11, 2020, order of the Circuit Court of Cabell County that sentenced him on multiple counts related to a non-fatal shooting on June 20, 2018.¹ At 3:30 a.m. that day, sheriff's deputies were dispatched to a home where they found Vicky Emerick and Casey Emerick (Vicky's adult son) on the living room floor bleeding from multiple gunshot wounds. Karson Emerick (Casey's young son) had a bullet fragment in his chest. The victims identified the shooter as petitioner Jeremy Dale Bartram. Petitioner and Shea Emerick (Vicky's daughter, who also lived in the house) have a child together who was in the house at the time of the shooting. Also in the house was Casey's then-fiancée/now-wife, Rebecca Sanders. Detectives determined that petitioner fired fourteen shots: the first three were fired into Casey's bedroom window, and the remainder were fired through the living room window and struck Vicky, Casey, and Karson. Upon our review, we determine that oral argument is unnecessary and that a memorandum decision affirming the circuit court's order is appropriate. *See* W. Va. R. App. Proc. 21.

Petitioner was charged in a superseding indictment with eighteen felony counts (one count of burglary; fourteen counts of wanton endangerment, one for each shot fired; and three counts of attempt to commit the first-degree murder of Vicky, Casey, and Karson); and two misdemeanor counts (fleeing without a vehicle and obstructing an officer). Before petitioner's trial, the circuit court heard the State's motion to introduce evidence under Rule 404(b) of the West Virginia Rules of Evidence regarding petitioner's past threats to, and altercations with, the victims between 2012 and 2018. The circuit court granted the motion, finding that petitioner's acts were relevant to prove petitioner's motive and intent and their probative value outweighed any prejudice.

At petitioner's trial, Casey's wife testified that, at the time of shooting, she saw petitioner through the living room window. Casey testified that petitioner (1) was the shooter, (2) was familiar with the Emerick family home, and (3) knew where Casey's bedroom was located in the

¹ Petitioner appears by counsel Abraham J. Saad and Eric B. Anderson. Respondent appears by Patrick Morrissey and Lara K. Bissett.

house. Vicky testified that she saw petitioner “put his head through the window . . . and he was shooting . . . everywhere.” Shea testified to her history with petitioner, recounted the threats he had made to her and to her family over the years, and said that petitioner seemed “fixated” on Casey. Petitioner did not testify or present any evidence. A jury found petitioner guilty on each count of the indictment. On July 11, 2021, the trial court sentenced petitioner to (1) not less than one nor more than fifteen years in prison for burglary (breaking or entering into a dwelling house); (2) five years in prison for each of the fourteen counts of wanton endangerment; (3) not less than three nor more than fifteen years in prison on each of the three counts of attempt to commit first-degree murder; (4) one year in jail for fleeing without a vehicle; and (5) one year in the jail for obstructing an officer. The court ordered the sentences to run consecutively to one another. Petitioner now appeals raising five assignments of error.

Petitioner first argues that the trial court violated Rule 404(b) of the Rules of Evidence by allowing evidence at his trial of his prior bad acts towards members of the Emerick family. We note that the circuit court gave a limiting instruction cautioning the jury not to consider the evidence as proof of petitioner’s guilt on any of the charges and that the evidence was admitted solely as proof of petitioner’s motive and intent. Nevertheless, petitioner contends that the evidence’s prejudicial effect outweighed any benefit and was irrelevant and unreliable. West Virginia Rule of Evidence 401 provides that “[e]vidence is relevant if: (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action.” “Under Rule 401, evidence having *any* probative value whatsoever can satisfy the relevancy definition.” *McDougal v. McCammon*, 193 W. Va. 229, 236, 455 S.E.2d 788, 795 (1995). Here, the evidence of petitioner’s prior bad acts tended to make petitioner’s motive in the shooting more probable and was not unduly prejudicial under West Virginia Rule of Evidence 403. “The Rule 403 balancing test is essentially a matter of trial conduct, and the trial court’s discretion will not be overturned absent a showing of clear abuse.” Syl. Pt. 10, in part, *State v. Derr*, 192 W. Va. 165, 451 S.E.2d 731 (1994). Here, we discern no abuse of discretion in the record and, therefore, reject this assignment of error.

Petitioner next argues that the second grand jury presentment, which included additional wanton endangerment charges that were not part of the first grand jury presentment, raised issues of double jeopardy by exposing him to multiple convictions for the same act. “[A] double jeopardy claim [is] reviewed *de novo*.” Syl. Pt. 1, in part, *State v. Sears*, 196 W. Va. 71, 468 S.E.2d 324 (1996). Petitioner cites no legal authority supporting his argument and admits that trying a defendant on charges of wanton endangerment for each shot fired in conjunction with charges of attempted murder does not violate the prohibition against double jeopardy. *State v. Evans*, No. 11-0170, 2011 WL 8199954 (W. Va. Supreme Court, Sept. 13, 2011) (memorandum decision); *State v. Collins*, No. 19-0633, 2020 WL 5269836 (W. Va. Supreme Court, Sept. 4, 2020) (memorandum decision). Moreover, to the extent that petitioner challenges the second grand jury presentment on double jeopardy grounds, “jeopardy does not attach until a defendant ‘has been placed on trial on a valid indictment,’” that is, until he “‘has been arraigned, has pleaded and a jury has been impaneled and sworn.’” *Brooks v. Boles*, 151 W. Va. 576, 153 S.E.2d 526, 530 (1967).” *State ex rel. Pinson v. Maynard*, 181 W. Va. 662, 664, 383 S.E.2d 844, 846 (1989) (emphasis added). Thus, petitioner’s superseding indictment resulting from the second grand jury presentment did not violate double jeopardy principles because it was obtained by the State two years before his jury was impaneled and sworn.

In his third assignment of error, petitioner claims that there was insufficient evidence to support the jury's verdict. However, petitioner fails to address "insufficient evidence" in his brief to the Court and, instead, argued "cumulative error" which he did not raise in his assignments of error. Thus, petitioner has waived his insufficient evidence claim.

In petitioner's fourth assignment of error, he argues that the trial court should have given his proposed jury instruction (which included an option for the jury to find that the underlying felony was second-degree murder) on the count of attempt to commit first-degree murder relating to Casey Emerick.

A trial court's instructions to the jury must be a correct statement of the law and supported by the evidence. Jury instructions are reviewed by determining whether the charge, reviewed as a whole, sufficiently instructed the jury so they understood the issues involved and were not misled by the law. A jury instruction cannot be dissected on appeal; instead, the entire instruction is looked at when determining its accuracy. A trial court, therefore, has broad discretion in formulating its charge to the jury, so long as the charge accurately reflects the law. Deference is given to a trial court's discretion concerning the specific wording of the instruction, and the precise extent and character of any specific instruction will be reviewed only for an abuse of discretion.

Syl. Pt. 4, *State v. Guthrie*, 194 W. Va. 657, 461 S.E.2d 163 (1995). Petitioner admits that the trial court rejected the instruction on the ground that it saw no evidence that petitioner acted without deliberation or premeditation. Moreover, in discussing the suggested jury instruction with the trial court, petitioner's counsel conceded that the instruction was not proper in petitioner's case. Thus, petitioner cannot now claim that the trial court erred in refusing to give the instruction.

In his fifth and final assignment of error, petitioner contests the trial court's imposition of consecutive sentences arguing that, before the shooting, he had no prior convictions and none of his twenty sentences were enhanced. We review sentencing orders under a deferential abuse of discretion standard unless the order violates statutory or constitutional commands. Syl. Pt. 1, in part, *State v. Lucas*, 201 W. Va. 271, 496 S.E.2d 221 (1997). Petitioner cites no law in support of his claim that the trial court abused its discretion in sentencing him to consecutive terms of imprisonment. Nor does petitioner argue that his sentences are outside statutory limits or based on impermissible factors. "As a general proposition, [the Court] will not disturb a sentence following a criminal conviction if it falls within the range of what is permitted under the statute." *State v. Sugg*, 193 W. Va. 388, 406, 456 S.E.2d 469, 487 (1995). Further, consecutive sentences are the rule and not the exception:

"“When a defendant has been convicted of two separate crimes, before sentence is pronounced for either, the trial court may, in its discretion, provide that the sentences run concurrently, and unless it does so provide, the sentences will run consecutively.” Syllabus point 3, *Keith v. Leverette*, 163 W. Va. 98, 254 S.E.2d 700 (1979). Syllabus Point 3, *State v. Allen*, 208 W. Va. 144, 539 S.E.2d 87 (1999).” Syl. Pt. 7, *State ex rel. Farmer v. McBride*, 224 W. Va. 469, 686 S.E.2d 609 (2009).

Syl. Pt. 4, *State v. Marcum*, 238 W. Va. 26, 792 S.E.2d 37 (2016). Accordingly, we find no error.

Affirmed.

ISSUED: December 6, 2022

CONCURRED IN BY:

Chief Justice John A. Hutchison
Justice Elizabeth D. Walker
Justice Tim Armstead
Justice William R. Wooton
Justice C. Haley Bunn

APPENDIX B

TABLE OF CONTENTS:

State's Notice of Intent to Introduce 404(b)
Evidence in the case of *State of West Virginia*
v. Jeremy Dale Bartram, Indictment No. 19-F-
228, Filed September 9, 2020

RECEIVED
19/11/2020

FILED

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,
Plaintiff,

VS.

JEREMY D BARTRAM,
Defendant.

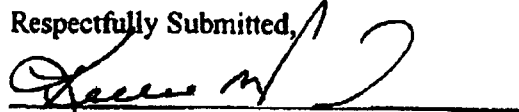
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J.E. HOOD
CLERK
INDICTMENT NO. 19-028
JUDGE ALFRED E. FERGUSON CO. WV

STATE'S NOTICE OF INTENT TO INTRODUCE 404(b) EVIDENCE

Now comes the State of West Virginia by Kellie M. Neal, Assistant Prosecuting Attorney of Cabell County, West Virginia, who notifies the defense that it intends to introduce potential 404(b) evidence at trial. Such evidence will be introduced for the purposes of showing motive and intent in this case. This evidence will include that on January 27th, 2014, the defendant was in a physical altercation with Shea Emerick (the daughter of one of the victims in this case along with the sister of one of the victims) and also with Casey Emerick (one of the victims in this case) wherein the defendant grabbed Shea Emerick by the neck, pushed her down on a couch and held her there. Casey Emerick, in an attempt to defend his sister, then got into a fist fight with the defendant. A copy of the police report detailing this incident is attached. Further evidence to be introduced includes an incident on December 11th, 2016, where the defendant made a threatening phone call to Vicky Emerick (one of the victims in this case) telling Vicky Emerick that he, the defendant, was going to come to her house and kill her and her family. A copy of the police report detailing that incident is attached. Finally, the State intends to introduce other evidence that over the years between 2014 and June, 2018, the defendant had made numerous threats to Shea Emerick, Casey Emerick, Vicky Emerick, and Robert Emerick, namely, that he was going to hurt all of them, that he was going to

kill all of them, that he was going to "gut" all of the Emericks like pigs, that he would make Shea Emerick "pay" for things he felt she had done to him, and that he wanted to kill Shea Emerick and that he needed to get rid of her.

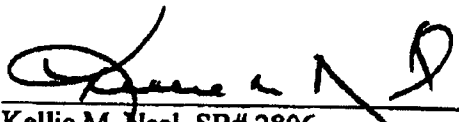
Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Kellie M. Neal", is written over a horizontal line.

Kellie M. Neal, SB# 2806
Assistant Prosecuting Attorney
Cabell County Courthouse
750 5th Avenue, Suite 350
Huntington, WV 25701
(304) 526-8653

CERTIFICATE OF SERVICE

I, Kellie M. Neal, Assistant Prosecuting Attorney, Cabell County, West Virginia, certify that I caused the foregoing copy of the Notice of Intent to Introduce 404(b) Evidence to be served on Abraham Saad, counsel for the defendant, by placing a true copy in his Courthouse mailbox on this the 9th day of September, 2020.



Kellie M. Neal, SB# 2806
Assistant Prosecuting Attorney
Cabell County Courthouse
750 5th Avenue, Suite 350
Huntington, WV 25701
(304) 526-8653

APPENDIX C

TABLE OF CONTENTS:

Defendant's Opposition Memorandum to the
State's 404(b) Witnesses in the case of *State
of West Virginia v. Jeremy Dale Bartram*,
Indictment No. 19-F-228, Filed May 10, 2021

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA
STATE OF WEST VIRGINIA,

Plaintiff,

vs.

INDICTMENT NO. 19-F-228
Judge Alfred E. Ferguson

JEREMY DALE BARTRAM,

Defendant.

DEFENDANT'S OPPOSITION MEMORANDUM
TO THE STATE'S 404(b) WITNESSES

Defendant, Jeremy Dale Bartram, by counsel Abraham J. Saad and Eric Anderson, moves this Court, in limine, to exclude 404(b) evidence. On March 31, 2021, Defendant filed an opposition memorandum seeking to exclude the State of West Virginia from introducing 404(b) evidence at the trial set forth in this matter for May 11, 2021.

On April 19, April 21, and May 6, the State introduced the testimonies of Shea Emerick, Casey Emerick, Vicky Emerick, and Robert Emerick. Additionally, the State introduced the testimonies of various officers who testified as to what was reported to them and had no personal knowledge of the actual facts behind the allegations.

First: Shea Emerick testified to an incident with Jeremy Bartram where she alleges that on January 17, 2014, Mr. Bartram choked her while trying to take their child, H.B., on an overnight visitation. Second: Casey Emerick testified that he witnessed this incident and intervened and got into a physical altercation with Mr. Bartram. Both parties called the police; no charges were filed. Shea Emerick filed a Domestic Violence Petition, which was ultimately dismissed and a mutual parenting plan was set between the parties.

Third: All the Emericks listed above testified that they listened or received phone calls from Mr. Bartram that were threatening and the State argues that these conversation are evidence of motive and intent. Fourth: Vicky Emerick testified that Mr. Bartram made a phone call to her at work, although all parties agree that the identity of the caller was never established. While Ms. Emerick filed a DVP based upon this phone call, the reliability of the identity of the caller makes this evidence unreliable.

Finally, the Emericks made their own recordings separate from any conversation in an attempt to retell their story of what Mr. Bartram might have said. The conversations in themselves might be admissible; however, playing the tapes would be self-serving, unreliable, and prejudicial toward the Defendant.

To introduce evidence of this dispute as evidence of 404(b) would be highly prejudicial and confuse the jury as to the issues in this matter. As such, Defendant requests this Honorable Court to exclude 404(b) evidence because the State's intended use violates the standards of the West Virginia Rules of Evidence.

The Legal Standard

In pertinent part, Rule 404(b) of the West Virginia Rules of Evidence reads as follows:

Crimes, Wrongs, or Other Acts.

1. *Prohibited Uses.* Evidence of a crime, wrong, or other act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character.
2. *Permitted Uses; Notice Required.* This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident. Any party seeking the admission of evidence pursuant to this subsection must:
 - A. provide reasonable notice of the general nature and the specific and precise purpose for which the evidence is being offered by the party at trial; and

B. do so before trial — or during trial if the court, for good cause, excuses lack of pretrial notice.

To that end, under Rule 404(b), the party attempting to introduce such evidence must specifically state the purpose or purposes of the evidence, that the evidence is not simply character evidence, under which of the nine (9) delineated categories it falls and the relevance thereof. Defendant hereby argues the State of West Virginia has failed to prove to this Court it has met the burdens associated with the controlling law and precedence. Here, Defendant does not dispute the State filed a notice and introduced its reason for filing such notice.

In Rule 404(b), evidence of specific bad acts or misconduct may only be introduced for some other purpose such as to show “motive, opportunity, intent, preparation, plan, knowledge, identity, mistake, or accident.” W.Va. R.Evid. Rule 404(b). The state Supreme Court addressed this issue in State v. McGinnis as follows:

It is not sufficient for the prosecution or the trial court merely to cite or mention the litany of possible uses listed in Rule 404(b). The specific and precise purpose for which the evidence is offered must clearly be shown from the record and the purpose alone must be told to the jury in the trial court’s instruction. This safeguard is necessary to prevent prosecutorial abuse and overreaching. Id., 193 W. Va. at 154-155, 455 S.E.2d at 523-524.

Proof of other crimes supplies no legal presumption or inference relevant to the offense charged. Such evidence, offered for the purpose of showing a general criminal disposition, can raise only one inference, that merely because the accused committed the other crime, he must have committed the one charged. Such evidence is contrary to the notion of fair trials and the rules regarding character evidence. Thus, when a person is placed on trial for a particular crime, the accused is to be convicted, if at all, on evidence showing her guilt of the specific offense charged in the indictment against her. See State v. Finley, 177 W. Va. 554, 355 S.E.2d 47, 49 n.2 (1987).

To protect against the highly prejudicial effect that 404(b) evidence establishes, the court in Huddleston lays out a three-step test to determine whether evidence is admissible under 404(b).

First, the trial court must determine whether the "other crime" evidence is probative of a material issue other than character. Evidence reflecting only a propensity to commit a crime is inadmissible. Again, as Rule 404(b) provides, the prosecution may introduce evidence of prior bad acts to show "proof of motive, intent, opportunity or absence of mistake or accident." Second, the trial court must determine whether the evidence is relevant under Rules 401-402, as enforced by Rule 104(b). The evidence is relevant only if the jury can reasonably conclude that the act occurred and that the defendant was the actor. Relevance, in part, depends on whether the other crime, wrong, or act is similar enough and close enough in time to a matter in issue. Third, if the evidence is admissible under 404(b), the evidence is subject only to the general strictures limiting admissibility such as Rule 403—that the probative value of the similar acts evidence is substantially outweighed by its potential for unfair prejudice. This should be reviewed in the light most favorable to its proponent, maximizing its probative value and minimizing the prejudicial effect. Huddleston v. United States, 108 S. Ct. 1496, 1502 (1988). It should be noted, that West Virginia follows and has relied upon the test set forth in Huddleston. TXO Production v. Alliance Resources, 187 W. Va. 457 (1992).

First, the prosecution is NOT offering that Defendant was previously accused of physical abuse for any proper purpose. As Huddleston rules, and Rule 404(b) provides, evidence is only admissible to show some other proper purpose such as to show "proof of motive, intent, opportunity or absence of mistake or accident." The prosecution has no proper purpose for which they are trying to introduce besides the fact that defense counsel possibly opened the door. As the rule suggests, opening the door does not allow for evidence to be introduced. This only occurs under rule 404(a)(1) when the defendant offers clearly and expressly evidence about his good character traits. The prosecution instead is only offering the evidence to suggest that the defendant acted in conformity to his past misconduct accusations.

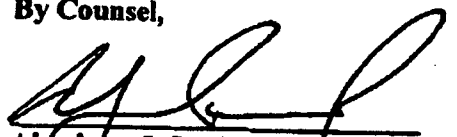
Second, the evidence that Defendant had a domestic dispute in the past is NOT relevant to his case at hand. As Huddleston suggests, to be relevant the jury can reasonably conclude that the act occurred and that the defendant was the actor. Here, the accusations of domestic dispute involving Defendant in the past cannot be proved the act occurred because no charges were filed and one of the victims, Casey Emerick, was the instigator of the dispute. Secondly, the jury cannot conclude that Defendant committed the act because again, there were no charges and mainly hearsay evidence that the State relies. Therefore, the evidence being offered is not relevant or reliable.

Lastly, allowing the introduction that Defendant was had domestic arguments with her husband have low probative value that Defendant committed the crime at trial currently and is substantially outweighed by potential for unfair prejudice by the jurors such as bias, prejudice, giving more weight to that evidence than in the past.

As such, this Court should deny the State from introducing 404(b) evidence in its case in chief.

Dated: May 10, 2021.

JEREMY D. BARTRAM,
By Counsel,



Abraham J. Saad WVSE #10134
GLAZER SAAD ANDERSON L.C.
P.O. Box 1638
Huntington, WV 25717-1638
Telephone: 304-522-4149
Facsimile: 800-879-7248
Email: abe@gsalaw-wv.com

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA
STATE OF WEST VIRGINIA,

v.

JEREMY DALE BARTRAM,
Defendant.

Case Number: 19-F-228
Judge Alfred E. Ferguson

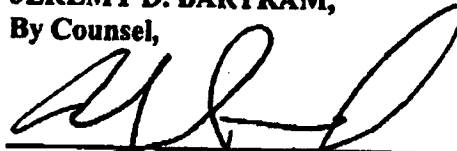
CERTIFICATE OF SERVICE

I, Abraham J. Saad, counsel for Defendant, Jeremy Dale Bartram, hereby certify that the foregoing "**DEFENDANT'S OPPOSITION MEMORANDUM TO THE STATE'S 404(b) WITNESSES**" has been served upon the via Facsimile and via Email:

Kellic Neal
Cabell County Courthouse
Box #38

Dated: May 10, 2021.

JEREMY D. BARTRAM,
By Counsel,



Abraham J. Saad WVSE #10134
GLAZER SAAD ANDERSON L.C.
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APPENDIX D

TABLE OF CONTENTS:

Order Granting State's Request to Use 404(b)
Evidence in the case of *State of West Virginia*
v. Jeremy Dale Bartram, Indictment No. 19-F-
228, Filed June 10, 2021

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA **FILED**

STATE OF WEST VIRGINIA,
Plaintiff,

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VS.

INDICTMENT NO. 19-F-228 J. E. HOOD
JUDGE ALFRED E. FERGUSON CIRCUIT CLERK
CABELL CO. W. VA.

JEREMY D BARTRAM,
Defendant.

ORDER

On this the 11th day of May, 2021, came the defendant, in person and by counsel, Abraham Saad and Eric Anderson, and came the State of West Virginia by Kellie M. Neal and Lauren E. Plymale, Assistant Prosecuting Attorneys, Cabell County, West Virginia, pursuant to this matter coming on for a ruling on the State's Motion to Introduce 404(b) evidence previously filed and testimony taken in support thereof on April 19th, 2021, April 22nd, 2021, and May 6th, 2021. Whereupon, after considering all of the testimony taken and arguments by the State and the defense, the Court did make the following FINDINGS:

1. The State has the burden of proving by a preponderance of the evidence that the 404(b) acts that they are seeking to introduce occurred and that the defendant committed such acts; the Court is of the opinion that the State has met this burden;
2. The State has indicated proper purposes for the admission of the this evidence, these being to show the Defendant's intent and motive in this case;
3. The 404(b) acts are relevant to the nature of the charges in this case;
4. The probative value of the 404(b) acts substantially outweighs any prejudice to the Defendant by their admission.

Based upon the testimony and evidence presented and these FINDINGS, the Court does hereby GRANT the State's Motion to Introduce 404(b) Evidence. It is therefore ORDERED that the State may introduce the testimony of the Shea Emerick, Vicky Emerick, Casey Emerick, and Robert Emerick regarding the 404(b) acts committed by the Defendant which were testified to in the hearings on April 29th, 2021, April 22nd, 2021, and May 6th, 2021. It is further ORDERED that the State may admit the snippets of the telephone call between the Defendant and Robert Emerick, however, the State may not introduce the two (2) telephone calls containing conversations between Shea Emerick and Vicky Emerick, and between Shea Emerick, Vicky Emerick, and a friend, Sarah Workman. The two phone calls containing conversations between Shea Emerick and Vicky Emerick and between Shea Emerick, Vicky Emerick, and Sarah Workman may be used to refresh the collection of Shea Emerick or Vicky Emerick.

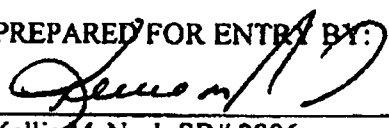
The Court does note the objection of the Defendant to this ruling.

The clerk of this Court is hereby directed to provide a certified copy of this order to all counsel of record.

ENTER:
ORDER:


ALFRED E. FERGUSON, JUDGE

PREPARED FOR ENTRY BY:


Kellie M. Neal, SB# 2806
Assistant Prosecuting Attorney
Cabell County Courthouse
750 5th Avenue, Suite 350
Huntington, WV 25701
(304) 526-8653

STATE OF WEST VIRGINIA
COUNTY OF CABELL

I, MICHAEL J. WOELFEL, CLERK OF THE CIRCUIT COURT FOR THE COUNTY AND STATE AFORESAID DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY FROM THE RECORDS OF SAID COURT ENTERED ON June 10, 2021

GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS DEC 20 2021


MICHAEL J. WOELFEL, CLERK
CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA