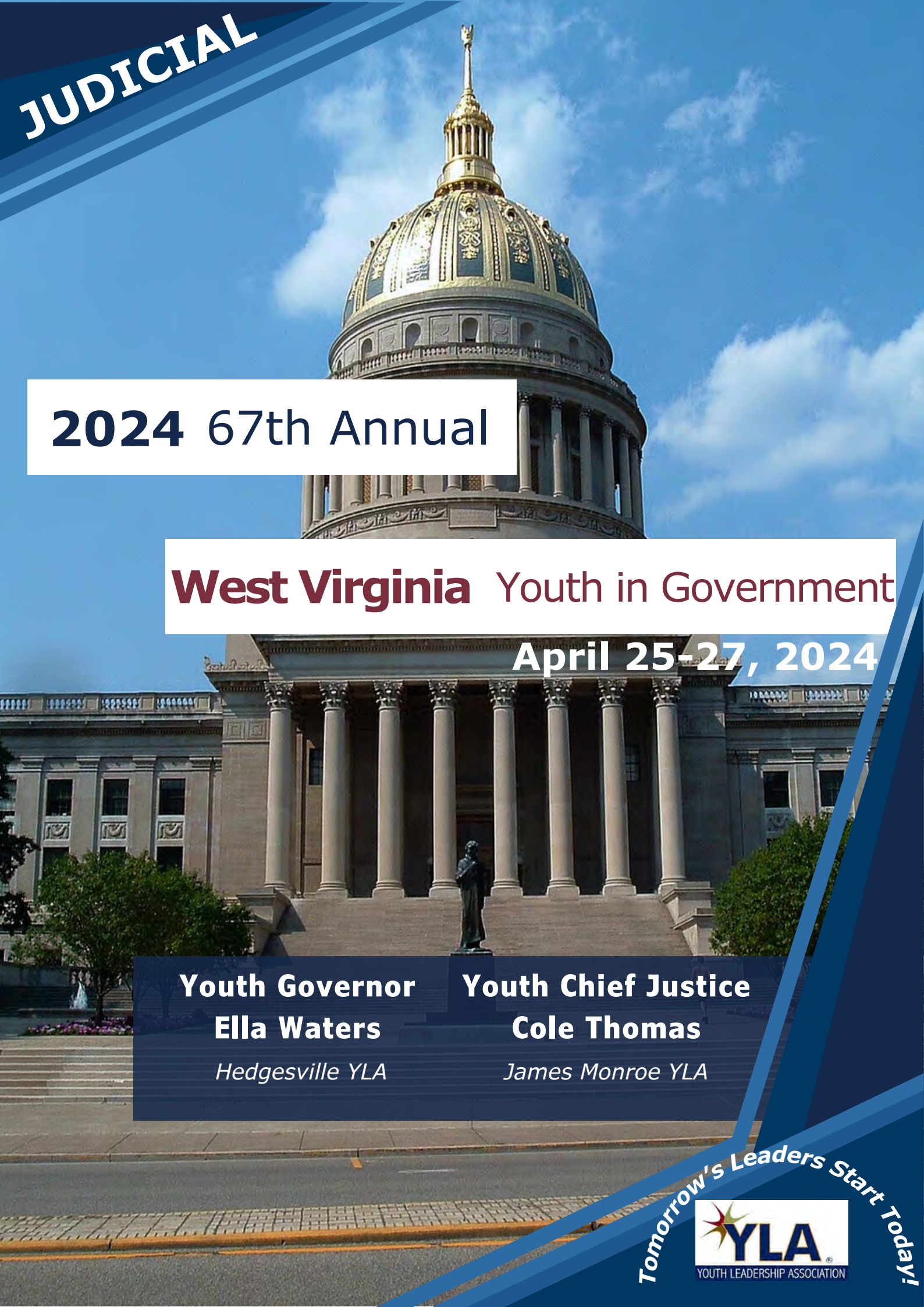
JUDICIAL



2024 67th Annual

West Virginia Youth in Government

April 25-27, 2024

Youth Governor
Ella Waters
Hedgesville YLA

Youth Chief Justice
Cole Thomas
James Monroe YLA

Tomorrow's Leaders Start Today!

YLA
YOUTH LEADERSHIP ASSOCIATION

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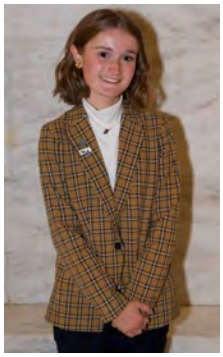
2024 WEST VIRGINIA YOUTH IN GOVERNMENT YOUTH GOVERNOR LETTER



Hello all, and welcome to the 67th session of West Virginia Youth in Government! It is my great honor to welcome each of you to Charleston for this event. As we gather from places along the country roads, I ask that you embrace your roots and hold close to your beliefs. These personal components make up who you are and allow you to influence government processes with your own unique perspective. This event has a long history of changing lives across the state, and I am hopeful that this session will be no different for you. I urge you to make this the most fulfilling experience possible through meeting others and participating in the activities of state government. Your engagement this weekend demonstrates your passion for leadership and creates hope for the future of our great state. As Governor, I would like to thank you for being here and committing to the improvement of West Virginia.

Continually, I would like to thank each advisor, parent, and Youth Leadership Association staff member for your support and dedication to the Youth and Government program. Without your efforts, this weekend would not have been possible. To the YLA office, thank you for creating an experience that cannot be replicated. Your mentorship and love have made this program all that it is, and the youth of West Virginia could not be more fortunate to have your guidance.

My Best,

Ella G. Waters

Ella G. Waters

2024 West Virginia Youth Governor

2024 WEST VIRGINIA YOUTH IN GOVERNMENT CHIEF JUSTICE LETTER

Hello, everyone! For those of you that I have yet to meet, my name is Cole Thomas and I will be serving as the West Virginia Youth Chief Justice for this year's Youth in Government. The Youth Leadership Association has served as a forerunner in my education, permitting me to discover my passion and intended career choice. Through the judicial program, I have debated and won all of my cases, served as an Associate Justice, and this year will be serving as the Chief Justice. After high school, I plan to attend Bethany College to double major in Political Science and Business Administration/Medical Administration, and declare the Pre-Law route.

My advice for everyone attending Youth in Government this year is to make the most out of this opportunity. Not only has this event brought me countless friendships, but a vast understanding of government. Make sure to be argumentative and educated during your cases, or speak up during your legislative session. The Youth Leadership Association has been a critical landmark in my development as a future leader, and I strongly encourage everyone present to take advantage of this incredible opportunity! I hope that everyone here has an incredible experience and that the Youth Leadership Association will mean as much to them, as it does to me.

Thank you!

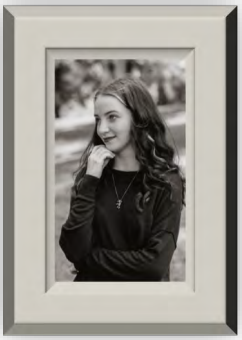
Cole Thomas

MEET YOUR YOUTH IN GOVERNMENT LEADERSHIP TEAM 2024

Ella Waters,
Youth Governor

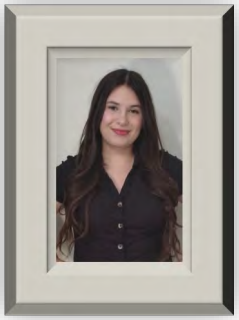
Emma Ballard,
Chief of Staff

Shane Arthur,
Secretary of Administration



Lauren Rice,
Press Secretary/
Editor

Evelyn Jennings,
Secretary of Education



Amanda Flora,
Secretary of Tourism

MJ Niggemyer,
Secretary of Economic
Development

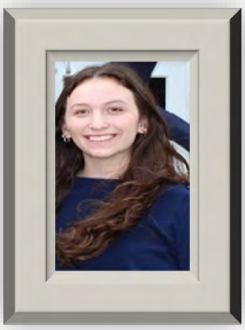
Piper Cook, Secretary of
Dept. Health & Human
Resources

Liam Savage,
Speaker of the House

Hannah Willis,
House Chaplain

Thomas Sibold,
President of the Senate

Gavin French,
Senate Clerk



Sarah McBee,
Senate Chaplain

Cole Thomas,
Youth Chief Justice

Nick Albright,

Thomas Lyons,
Associate Justice

Photo not available at time of print: Ethan Freed, Associate Justice and LeiAnn Richmond, Associate Justice

Welcome to our 67th YLA West Virginia Youth in Government!

Ohio-West Virginia
Youth Leadership Association

For 67 years, West Virginia's best and brightest students have been meeting annually to participate in Youth in Government! Cecil Underwood was Governor when he worked with our HI-Y students, advisors and staff to plan our first YG. Their work convened our first WV YG in 1958 at the Capitol. The founding principles Governor Underwood and those helping him built into Youth in Government remain our foundation today – integrity, volunteer service, responsibility, and citizenship.

YLA Youth in Government is distinctly different. We're about citizenship, not politics, political careers, talk, or debate. YG seeks solutions for the common good as we lift others up to become their very best, work to change conditions so all succeed, and to make our make our schools, communities and state better than we found them.

In these two days at the Capitol, experience the process of state government, make decisions to move West Virginia forward, create connections with peers and adults from across our state, and have a great time with a purpose. Make friends, learn all you can, put your best ideas forward, and make differences for good now and throughout your life.

YLA began as a State YMCA in 1867. The Youth Leadership Association is inclusive, signaling an invitation to all to participate. New doors of opportunity are opening for more youth to benefit in all YLA programs. YLA youth will make even greater contributions to improving our communities, states, and nation.

Now – enjoy, learn, help others, and make lasting differences for good!

Check in and Capitol Meeting Rooms:

Thursday, April 25, 2024

Check In 10:00 – 11:00 a.m. Embassy Suites

ONLY DELEGATION LEADERS *register delegations at the Youth in Government table* in the hotel lobby, not the hotel front desk. YLA staff provide hotel keys to the Delegation Leader. Hotel rooms may not be available until the hotel's normal 3:00 p.m. check in time.

Please have your delegation members dressed for the program when you arrive at the hotel. There will be rooms to store luggage until hotel rooms are available.

Delegations are responsible for their own parking fees.

Capitol

Review with your total student and adult delegation the Use and Care of the Capitol explained on page 6.

Responsibility

Responsibilities of students and adults are more completely explained in this Bill Book and in the YG Manual.

Briefly –

Every student and adult through the act of registering to attend Youth in Government has agreed to support the Code of Conduct.

Local delegations select their own participants and are responsible for their conduct at all times.

One adult supervisor is to accompany every ten youth members of a delegation. Adults are to be 21 years of age or older, registered participants with the YG program and must stay at the hotel with their delegations. The Adult Delegation Leader is responsible for the conduct, supervision, and control of all youth and adult members of their delegation. Adults also have assignments to help with the YG program.

Delegation Leaders and Advisors prepare their students in advance of YG. Adults do not influence legislation or judicial decisions. Adults encourage their students to meet students from other delegations and to interact with other students throughout the weekend. Advisors do not "keep" their students away from other students during YG sessions.

YG Office	Table outside the House of Delegates
Bill Coordinators	Table outside the House of Delegates
Senate Committee 1	Senate 451 (Finance)
Sente Committee 2	208 West (Judiciary)
House Committee 1	House 410M (Judiciary)
House Committee 2	House 434M (Education)
House Committee 3	House 460M (Finance)
Lobbyists	Table outside House of Delegates
Pages	Pages at assigned locations. Page advisor table in near House Chamber
Press	House Commitee Room 215-E (across the roof)
Supreme Court	Supreme Court
Youth Governor and Cabinet	Room Back of the House Chambers

Dress

Youth in Government is a model of government in action. Included is the way we act, speak, conduct ourselves, and the way we dress. Youth in Government sessions require professional business attire.

Men wear coats and ties during the program sessions. No sport shirts or blue jeans. Women wear professional business attire. No spaghetti straps or exposed midriff allowed. Women may wear nice pants outfits.

Casual dress including blue jeans is appropriate at recreation and the hotel.

Meals – Only if staying at the Embassy

Breakfast is provided. All other meals are "on your own".

Housing

Everyone is required to stay at the Youth in Government hotel. Lodging is including in your program fee. Additional information is available on the Participation Agreement. Please note that if a group does not have enough students to fill up a room, expect your student(s) to be housed with students from another delegation or you may "buy" out rooms for your students. Contact the YLA for costs to buy out one or more rooms.

Parking

Parking is at your expense. Parking is available at the hotel or in nearby parking lots for a fee.

Cancellations and Refund Policy

The best laid plans can go awry. However, since all our program fees are set below our actual costs, we have no flexibility to provide refunds. Therefore, **our policy is NOT to provide refunds for the Participation Agreement or the Final Fee**. Actually the person cancelling should reimburse the program for the costs the program has incurred on their behalf by paying the scholarship received back to the program. The program does permit delegations to send a replacement.

1. Delegations who want to provide refunds need to set aside money to provide refunds to their students.

2. Delegations don't refer parents to the YG Office with billing/refund questions. Handle these locally.

3. After a delegation is registered, it is responsible for the entire payment for that number of student/adult delegates.

4. There are no refunds from the Youth Leadership Association so do not ask nor have others call to ask.

Code of Conduct: YLA Family of Programs

Participants – youth and adults - in YLA programs demonstrate responsibility and the highest levels of personal and group character. Due to that, few rules are required.

In general, our rules are summarized in these three (3) points:

1. Treat others as one wants to be treated.
2. Do not fail to do something that would help others, make the place we are using cleaner, safer, and a better experience for all.
3. Do not do anything that hurts or could potentially harm another person, place, or thing.

Some specifics may be helpful –

1. Attend all sessions of the program;
2. Wear name badges as called for by the program;
3. Names of anyone absent from a session are referred to the program director and the appropriate advisor;
4. Adult sponsors and chaperones are responsible for the supervision of their Delegation;
5. ABSOLUTELY NO FOOD, DRINK, or GUM are permitted in the House, Senate, Committee rooms, Supreme Court, or other government facilities used at YG;
6. Not permitted at YLA programs are tobacco, alcoholic beverages, illegal drugs, or weapons;
7. There is no coed visiting in housing rooms;
8. All delegates are in their own room, observe quiet hours at the time indicated by the curfew and will not leave their room until the end of curfew;
9. Room changes are not made unless made by YLA staff;
10. Participants do not invite or receive visitors unless approved by the Advisor and YLA staff. Visitors, alumni, etc. are not permitted in the lodging facility guest sleeping rooms at any time. Guests are restricted to lobbies and visitor areas.

Use & Care of the Statehouse/Capitol

Use of the Statehouse/Capitol requires the highest level of care and respect for the facility, its furnishings, equipment and its traditions. Each student participant and adult is to exercise the highest level of individual responsibility for the Statehouse/Capitol and to hold everyone else to that same level of responsibility.

No chewing gum in the Statehouse/Capitol.

No food, snacks, candy or drinks (including water bottles) in any Statehouse/Capitol room.

The **desks**, chairs and other furniture in the Senate and House are easily scratched or marred. Use deliberate caution in placing items on the desk or lifting things off. Do not slide anything as they easily can scratch the finish. Do not "toss" books, purses, brief cases or anything on a desk as that can easily damage the finish of the desk. Staples are a problem too. Do not put a stapler on a desk top. *Do not write on any single sheet of paper on a desk as the pencil/pen can leave an impression on the desk finish.*

Do not sit or lean on any desk top or desk.

Check the desk, chair, tables and rooms one is using. Report any damage observed to the Advisor in that room and/or YG Staff. Advisors, pass on damage reports in writing to YG Staff.

Extend to all members of the Senate and House of Representatives/Delegates as well as to all Statehouse/Capitol staff every courtesy including *Thank you.*

Clean up! Straighten up any room one uses. Any papers one no longer wants, put in trash can. Leave every room clean.

Thank you for all your efforts to follow these guidelines.

Ohio-West Virginia Youth Leadership Association

Introduction and Purpose

Both Ohio and West Virginia's Youth in Government programs grew out of and continue to extend the impact of our youth programs in both our two states. Ohio's program began in 1952 and West Virginia's in 1958.

C. William O'Neill, 1952 founder of Ohio HI-YLA Youth in Government.

YLA Youth in Government reflects the idea that "*democracy must be learned by each generation*" and is based on Thomas Jefferson's belief that, "*the purpose of education is to create good citizens of the community*".

Our founders, the late C. William O'Neill, the only person in Ohio history to serve as Attorney General, Speaker of the House, Governor and Chief Justice, and the late Governor Cecil Underwood, West Virginia's youngest and then oldest Governor, worked with our students, volunteers and staff to create Youth in Government in each state. Both leaders recognized our unique role engaging teenagers in improving their homes, schools and communities. They responded to teenagers who wanted to extend this influence and leadership statewide.

"This is truly a seedbed of leadership," said O'Neill. "*We produce much needed local and state leadership*," Governor Underwood stated when helping launch West Virginia's Youth in Government. He went on to say, *"The future of our nation depends upon the caliber of young people who will soon assume positions of leadership in our country. Youth in Government will provide a year-round laboratory experience in practical politics. Youth will be able to study public issues, debate public policies, write legislation, and actually participate in the process of government."*

WVYG Founder Governor Cecil Underwood, 40th Youth Governor Laurel Lackey and 1st Youth Governor Rebecca Colebank Duckworth at YG's 50th anniversary.

Both founders wanted Youth in Government to be more than just passing legislation. In fact, both thought the last thing needed to solve a problem was more legislation. What was needed were young people seeing what needs done to make their communities better, figuring out what to do and then doing it. Legislation is a last resort.

Student legislation proposed to Youth in Government would come out of a student's real life and volunteer experience. O'Neill and Underwood believed in and supported our approach to leadership development. They saw lives changed as teens changed their world. Our time- tested learn by doing model of leadership development works as teens identify the kind of school and community they want, create and carry out initiatives to achieve their vision and reflect on their work to strengthen future action. Both our Youth in Governments continue to build on this foundation.

Citizenship is our Purpose

Simply put, YLA Youth in Government is about citizenship, not politics or political careers. Everyone's job is to be a citizen. After that comes our life's work. From presidents to governors and janitors, we all have the same job – citizen. Youth in Government brings together students of all backgrounds, interests, and experience to broaden our understanding of democratic citizenship by engaging in the process of state government.

Youth in Government is one of YLA's programs offered to every school and community by the Ohio-West Virginia Youth Leadership Association. YLA is a resource providing technical assistance, program development, manuals, materials, training, newsletters, idea exchanges, state and national youth leadership conferences and camps.

YLA Philosophy of Leadership

YLA believes each person is responsible for the life of their community and to help others as well as the community achieve their potential.

YLA believes that civic leadership has little to do with power and everything to do with responsibility. What counts is individual and group character. YLA promotes *Respect -Responsibility – Caring – Trustworthiness – Honesty – Fairness – Citizenship.*

Learning Style

YLA's service-learning approach enables students to connect classroom lessons, life experience and active engagement in community building to their service as Legislators, Supreme Court Justices, Officers, Lobbyists, Press or Page delegates to the Model Legislature or Supreme Court. The American governmental process unfolds with deeper understanding as students seek to solve pressing issues through the Student Legislature and Supreme Court.

Board and Committee

A volunteer board of twenty members governs the Ohio-West Virginia Youth Leadership Association. Board appointed committees and volunteers secure the resources our programs require to succeed, work to achieve YLA's mission and goals, and extend YLA programs to every interested community.

Staff

The YLA Board employs an Executive who is responsible to employ other staff and to engage volunteers to carry out Board policies, the work of committees and volunteers as well as our youth programs.

Contact YLA at www.ylaleads.org; 304-675-5899; yla@yleleads.org

Ohio-West Virginia Youth Leadership Association

Preparing the Next Generation of Civic Leaders

Leadership • Character • Service • Entrepreneurship • Philanthropy

YLA

YLA youth chapters are incubators of civic leadership! Teens learn what it takes to plan, organize, and work out—through trial and error—how to make their schools, communities, and world a better place to live. *This is the best thing I've done in school. I've learned so much, gained confidence I never dreamed I could have, got involved and now I am ready for the future!* YLA Chapters are most often school-based but have also been sponsored by city councils, churches, 4-H clubs and more.

YLA Fall Leadership Conference

YLA Fall Conference is a three-day opportunity for YLA members from across the region to gather for skill-building sessions, networking, and best practices, and to strengthen the bonds between local YLA chapters. Participants get an introduction to the entire program and return home with the enthusiasm and skills to become more involved. Fall Conference is held at Jackson's Mill in November.

Youth in Government

Where else do teenagers get to "take over" the state capitol for three days? *This is great! We get to be legislators sitting in the same seats and using the same facilities they use. I've learned more about civics and state government this way than from any book or classroom. We take what we learn in class and get to apply it. Some of the laws we propose have actually become state law. Judicial is great! We get to see how the judicial system works. I don't want to be an attorney, but I need to understand the court.*

Youth & Government Seminars

Youth & Government Seminars offer West Virginia 8th graders and Ohio 6th - 8th grade students an opportunity to witness first hand how their state government works through observation and interaction with government officials during a legislative session.

Model United Nations

YLA Model United Nations offers a "window on the world" opportunity for students to participate and experience a personal perspective in solving global and international issues. *Model UN is a great way to learn about the world. I came into this program with no knowledge about the UN or my nation. I left with that knowledge plus the ability to think as my nation and a greater appreciation for other nations.*

Horseshoe Leadership Center

Nestled in West Virginia's Appalachian mountains, ***Horseshoe's Teen Entrepreneurship and Leadership-Service Summits*** are exceptional experiences for teens to network, work together, and learn how they can "make a difference" in their world for a better future. *This literally was the best week of my life. I'm going home a new person, I know who I am!*

Later in the season, ***Youth Opportunity Camps*** help low income 7 – 12 year old boys and girls get on the path toward success. *I see differences Horseshoe makes to kids' lives in just one week. They feel safe here, they get to be themselves here, they can forget about their worries here. Kids may come with nothing, but are given something priceless that lets them know someone cares!*

Cave Lake

Cave Lake, a place of rare natural beauty in Ohio's Appalachian region, is being transformed into a nationally significant year-round learning center for youth, adults and families. Cave Lake's 700 acres offer unsurpassed opportunities for leadership development, as well as a peaceful atmosphere for personal and group growth, enjoyment of the out-of-doors, the arts, music, entrepreneurship, civic responsibility and stewardship of our natural heritage. Cave Lake will strengthen and expand the base of effective family, organizational and community leadership across Ohio.

Alumni

Alumni bring commitment, experience and new support to all our youth programs. Our new Alumni Program offers many ways to stay involved, to share leadership advancing all our programs and to offer YLA experiences to many more young people.

Visit our website www.ylaleads.org, call 304-675-5899, or email yla@ylaleads.org for additional information or assistance with any of our programs.

server/syp/yg/bill book sheets that change yearly / YLA summary sheet

Student Judiciary Overview

The Supreme Court considers an appeal of a lower court decision. The presiding officer of the Supreme Court is the Chief Justice.

	Ohio	West Virginia
Official Name	*Supreme Court of Ohio*	*West Virginia Supreme Court of Appeals*
Number of Justices	*7*	*5*
Length of Term	*6 years*	*12 years*

- Decisions of the Supreme Court are a majority vote of the Justices. These decisions are the final word.
- A case appealed to the Supreme Court is an appeal only on errors claimed to have occurred in the local trial. It is NOT a retrial of the local trial.
- The authority of the Supreme Court comes from the individual state's Constitution.
- The appellant is appealing the decision of a lower court.
- The appellee is supporting the decision of the lower court.
- The Brief summarizes the validity or lack of validity of the lower court's decision. An
- Assignment of Errors lists the mistake(s) that either the Judge or Jury made in lower court decision.
- Arguments made in an appeal describe laws or precedent cases that support the argument.
- The concluding presentation to the Supreme Court summarizes arguments in the appeal and a conclusion the Supreme Court should reach.

YLA®
YOUTH LEADERSHIP ASSOCIATION

Writing Your Appeal

When you register as a Judicial Delegate through the Participation Agreement, your advisor will receive the sample case for each judicial team. Our program picks up at the conclusion of the local trial. Students will choose a side to represent. The losing side (Appellant) will appeal the decision of the lower court and the winning side (Appellee) will be asking the Supreme Court to uphold the existing decision of the lower court.

The appeal IS NOT A RETRIAL, but rather is an opportunity to insure that justice is served in regard to the process of the local trial. At the appeal hearing, you will argue points of law. It is the Appellant's responsibility to research precedent cases and other laws that would show error in the local trial verdict.

The Assignment of Errors lists the Appellant's reasons the case is being appealed to the Supreme Court. The appellants will argue that these errors in the lower court trial, if corrected, could have changed the outcome of the lower court's verdict. Therefore, they appeal. Students may research previous cases at college or local law libraries or through the LEXUS/NEXUS computer system. Local attorneys are also excellent resources.

On the other side, the Appellees seek to support the lower court's verdict.

Your written brief should be between 2-6 pages in length. This is your first impression on the justices and should concisely and logically progress through your arguments to convince the Justices of your Conclusion.

When you appear before the Supreme Court in April, you will have additional time for Oral Arguments. Each side will have 10 minutes (approximately 5 minutes per attorney) to argue your side of the case. Your opponents will also have ten minutes. It is your responsibility to decide how you will split the time with your partner – but, both attorneys must share in the presentation. The appellants may reserve a portion of their time for rebuttal, if desired.

Purpose and Contents of a Brief

The purpose of the Brief is to summarize the validity or lack of validity of the Lower Court's decision. Unless otherwise noted, the format for the brief is as follows: Paper size – 8.5" x 11" (one side only, DO NOT staple and remember to sign your name), Margins – 1", single spaced (except between sections -see sample brief), Type size – 10 or 12 point. There must be one (1) booklet and it must contain the following:

1 COVER PAGE: The Cover Page has the following information: Name of the Case
Names and Positions of both pairs of Youth Attorneys

1 STATEMENT OF FACTS Must be agreed upon by both sets of Youth Attorneys

1 APPELLANT'S BRIEF Written by the Youth Attorneys that LOST the local trial. Must be between 2 – 6 pages. Each brief contains:

Assignment of Errors – the problem that either the Judge or Jury made in their Lower Court decision.

Arguments – Laws and/or precedent cases that support your Assignment of Errors.

Conclusion – A closing summary of the case and a conclusion that the Model Supreme Court should overturn the Lower Court's decision.

1 APPELLEE'S BRIEFWritten by the Youth Attorneys that WON the local trial. Must be between 2 – 6 pages. Each brief contains:

Arguments – Laws or precedent cases that support the Lower Court's decision.

Conclusion – Summary of arguments in the case and a conclusion that the Model Supreme Court should therefore uphold the Lower Court's decision.

ALL OF THIS CONSTITUTES ONE BOOKLET. THE BOOKLET IS TO BE ASSEMBLED IN THE ORDER LISTED AND STAPLED ONCE IN THE UPPER LEFT CORNER. EIGHTEEN (18) COPIES OF THE BOOKLET ARE TO BE ASSEMBLED AND SUBMITTED TO THE YOUTH IN GOVERNMENT OFFICE BY THE DEADLINE (OHIO-JAN 28 • WV – FEB 10).

Case Rating

All cases submitted will be rated for position on the docket of the Student Supreme Court. Only those cases that are received in the Youth in Government office by the due date will be rated.

Student Supreme Court Procedures

When the Justices enter, everyone rises. The Marshal (Ohio) or Clerk (WV) calls the Court to order.

OHIO

All Rise. . .The Honorable Chief Justice and Justices of the Supreme Court of Ohio Once they have reached their seats, continue with…) Hear Ye! Hear Ye! Hear Ye! The Supreme Court of Ohio is Now in Open Session Pursuant to Adjournment. . .

WEST VIRGINIA

All Rise. . .OYEZ! OYEZ! The Honorable Justices of the Supreme Court of West Virginia, the Honorable Chief Justice _____, presiding. Silence is now commanded under penalty of fine or imprisonment, while the Honorable Justices of the Supreme Court of Appeals of West Virginia are now sitting. All those having motions to make or appeals to prosecute, come forward and you shall be heard. GOD SAVE THIS STATE AND THIS HONORABLE COURT.

The Chief Justice will direct the audience to be seated.

The Chief Justice then calls on the Appellant attorneys. The first attorney for the Appellant informs the Marshal/Clerk whether or not there will be a rebuttal and if so, how much time is to be reserved. The Appellant attorneys then present their argument. The reasoning in their argument is that the verdict of the lower court was incorrect because _____. (Each side has 10 minutes – approximately 5 minutes per attorney in which to present their case.)

The Appellee's attorneys then present their argument. The reasoning in their argument is that the verdict
of the lower court was correct and the Appellant is incorrect because _____.

The Appellant's attorneys then have an opportunity for rebuttal after the Appellee's attorney's presentation. Following this, the Chief Justice adjourns the Court to decide the Appeal. The reversal of the lower court's decision requires at least a majority vote for reversal. When directed by the Chief Justice, the Marshal will call the Court to adjournment.

OHIO

All Rise. . .Hear Ye! Hear Ye! Hear Ye! This Open Session of the Honorable Supreme Court of Ohio Now Stands Adjourned. (After the last Justice is off the Bench, strike the gavel once.)

WEST VIRGINIA

All Rise. . .Hear Ye! Hear Ye! Hear Ye! This Open Session of the Honorable
Supreme Court of West Virginia Now Stands Adjourned. (After the last Justice is off the Bench, strike the gavel once.)

Time organization is a very important part of your appeal. The job of the Supreme Court Marshal/Clerk is to time the oral presentation of each attorney – informing the attorney when one minute is left in the allotted time and when the time is up. Both sets of attorneys need to decide how much time each attorney on their side will take. Also, attorneys for the Appellant must decide how much time to reserve for rebuttal.

Attorneys will prepare the majority of their oral arguments before reaching Youth in Government. Time at Youth in Government will be used to sharpen those arguments. A simple method to use to organize a brief or an oral argument is the **FIRAC method**.

F **Facts (Briefly tell the court what happened)**

I **Issue (Tell the court what error was committed)**

R **Rule (Who/What says that is an error?)**

A **Application (Combine facts and rule to demonstrate error)**

C **Conclusion (Therefore…)**

Attorneys should be prepared to be interrupted by questions from the Justices. In organizing an oral presentation, an attorney should be prepared to speak persuasively for the full amount of time, but the attorney should be flexible enough to rearrange their presentation at the podium in order to cover all of the important points, in addition to answering questions from the Justices.

The attorneys start their presentation with the statement May it please the court. My name is (state your name) and I am the attorney for or representing (state your client's name)

Always keep your perspective. Act zealously for your client, but remember you are an officer of the court.

You are to attend all judicial program events. They are designed to give you the opportunity to learn more about our judicial system. You will also watch the appeals of other students. Much can be learned by watching others.

Your case will be put on a calendar and assigned a time to be heard by the Model Supreme Court. Attorneys for the local trial must be the same ones to present the case at the Model Supreme Court.

Justice's Written Opinions

The Opinion is the written decision of the Supreme Court. It is the official document that records for history the decision and all of the relevant circumstances that influenced that decision. The opinions are reviewed by each Justice sitting on the case and are not disclosed to other participants until they are officially “released” during the closing session.

During deliberation, immediately following the case, you will have an opportunity to discuss and argue the points of law addressed in the case. One or more Justices will volunteer to write the opinion for the majority. The opinion is given to each Justice to study and accept. If it is accepted, the Justice will sign the opinion and it is passed on as the opinion of the court. If not, a concurring opinion may be written (same result, but with a different line of reasoning).

Those who do not agree with the Majority Opinion summarize their views in the Dissenting Opinion. All of the opinions are presented to the public, but only the majority opinion affects the parties involved in the case.

Opinions will be written on standard legal paper (or forms provided by the Court Coordinator). The opinion will then be submitted to the Chief Justice or Associate Justices assigned to the case. Each opinion must contain a statement defining the reasons for the verdict and a narrative of why those reasons were chosen.

Youth in Government Supreme Court Majority Opinion

_____ Case Number

_____ All Justices who agree with this

_____ Majority opinion are to sign their

_____ Names to the left

_____ Opinions will be announced on

_____ Saturday Morning. Until then,

_____ The decisions of the Court are not

_____ to be discussed with anyone.

We the justices of the Supreme Court of Ohio in the case of Bennett v. Sims unanimously find that the lower court erred in permitting summary judgment. We found that a number of facts remained contested even though the lower court granted summary judgment. Following the precedence found in McKinney V. Hartz and Restle Realtor, Inc. we find that a five (5) year old could be held in violation of Ohio trespassing laws. However, following the guidelines set down in Pennsylvania Co. v. Legendary we find the mother not to be held in violation when the role of a rescuer is applied. The care of the pool was also in gross violation of not only local ordinances but state laws. Its negligence didn’t fulfill the duty of care owed to the neighbors and community. For the aforementioned particulars we affirm the lower court’s decision.

Youth in Government Supreme Court Majority Opinion

_____ Case Number

_____ All Justices who agree with this

_____ Majority opinion are to sign their

_____ Names to the left

_____ Opinions will be announced on

_____ Saturday Morning. Until then,

_____ The decisions of the Court are not

_____ to be discussed with anyone.

(If there is a dissenting opinion among the Justices, this is the form that would be used. In the case of Bennett v. Sims a minority opinion was not necessary).

Officer Responsibility

Officers are elected at Youth in Government to serve through the next year's program. Their service throughout the year provides student leadership to the program, helps strengthen the program for everyone, and better prepares officers for their duties during the Student Legislature/Court.

Officers put Youth in Government first. They must have and take the time required to effectively serve the program.

In addition to Youth in Government at the Statehouse/Capitol, the officers "do their jobs" at the annual Sr. Leadership-Service Conference in June at Horseshoe, the Fall Program Conference in November and the February Officer/Committee Chair Training – Bill and Case Rating Session.

Additional responsibilities/qualifications include:

Chief Justice

- Appoint qualified Associate Justices as needed,
- Serve on the Youth in Government Committee,
- Study all cases before the Student Supreme Court,
- At Youth in Government
  - Present an opening address,
  - Give a closing summary of the Supreme Court,
  - Announce the new youth Chief Justice,
  - Assist Judicial Coordinator as necessary.

Associate Justices

- Study all cases before the Student Supreme Court,
- Preside over cases assigned to you by the Chief Justice and summarize the opinions of the panel

Elections and Appointments for State Office
Nominations

Each delegation may nominate one (1) candidate for Chief Justice. Nominations are due and to be submitted on the Officer Candidate Form by 7 pm at Youth in Government Office on Saturday. Nominees must meet the qualifications listed for their office.

Officer Qualifications

Qualifications common to the office of Chief Justice include:

1. One year's experience in Youth in Government as a judicial delegate. Unlike other elected offices in Youth in Government, Chief Justice Candidates may count their current year toward this requirement.
2. Will attend the Leadership-Summit Camp at Horseshoe in June, the Officer Training/Bill Rating session in February, Fall Conference in November and the Youth in Government program at the Statehouse/Capitol.
3. Positive group work skills and attitudes that help all others succeed.
4. Effective public speaking and presentation skills.
5. Understands the Youth in Government procedure and is able to implement it.
6. Has leadership skills appropriate to the purpose of Youth in Government. Understands,
7. supports, and practices the values of leadership through service promoted by YLA.

Election Procedure at Youth in Government

Candidates demonstrate their ability to carry out the responsibilities of the position they seek by "doing" what the office requires. There is no campaign, campaign speech, or campaign material.

Having demonstrated their effectiveness to their peers throughout the weekend, Chief Justice Candidates will have 3 minutes to summarize their vision of the Judicial Program to the Student Supreme Court participants. The candidate receiving the majority of votes is declared the winner. Only Judicial delegates vote for the Chief Justice.

Associate Justices

Associate Justices are appointed by the Chief Justice from those qualified applicants who submit their application no later than one week after Youth in Government.

Definition of Terms

Appellant [uh-pel-ent] – The party who loses the local trial and appeals to the Supreme Court.
Appellee [a-puh-lee] – The party who won the local trial and responds to the appeal of the appellant.
Argument - The persuasive reasoning by the attorney to the deciding body (judge or jury) stating why the case should be decided in favor of his client. Arguments, whether oral or written, should present clear thinking and logical statements that lead to only one conclusion.
Bailiff - The officer of a trial court who opens, recesses, reconvenes and closes each session of the court.
Bill of Exception -The verbatim transcript of everything that is said at the local trial relevant to the issues being appealed.
Brief - The formal written statement prepared by both parties of an appeal listing the errors (appellants only), their arguments and conclusions.
Chief Justice - The presiding Justice of the Supreme Court.
Conclusion - Making a definite statement within your facts. The logical end to a line of reasoning.
Court Reporter - The officer of the court who records everything said by everyone at each session of the court.
Damages - In most cases, the reward received by the plaintiffs, if they win.
Defendant - The party being charged with the alleged wrongdoing.
Dissenting Opinion - The written decision of the judge(s) in the minority on a case.
Expert witness - A witness who, because of their knowledge or experience, can offer technical expertise to the court within their area or profession.
Evidence - Information obtained by testimony of witnesses or introduction of objects or documents at a trial which the jury considers in reaching its verdict.
J**udge** - The one who presides at a trial and, if there is no jury, also decides the case.
Jury (Panel) - A group of citizens who hear the evidence at trial and decide disputed questions of fact (verdict). The group is known as a panel during the voir dire and after taking the oath as jurors, is known as the jury.
Justice - The formal name given to a Judge of the Supreme Court.
Marshal - The officer of a trial court who opens, recesses, reconvenes, and closes each session of the court.
Narrative Bill of Exceptions - A written statement of the facts according to testimony at the local trial agreed upon by opposing Attorneys. This is used in lieu of the Bill of Exceptions when a court reporter is not present.
Notice of Appeal - Statement asking for a reversal of the lower court's judgment.
Objection - Any oral statement to the judge voiced by an attorney during trial showing why a certain question or answer constitutes improper evidence.
Opinion - The written decision of the judge or judges, supported by their reasoning, of a case which has been argued on appeal.
Peremptory Challenge - Prerogative of counsel to object to a member of the panel during voir dire.

Sample Brief

The following sample brief is representative of the form, contents, and flow for your written brief. Obviously, you will use case law from your particular state to uphold your arguments and conclusion.

THE MODEL SUPREME COURT OF THE STATE OF WEST VIRGINIA

State of West Virginia	vs.	Mark Carter
Prosecution (Appellant)		Defendant (Appellee)

Samantha Godbey	Erica Brannon
Mairin Odle	Stephanie Bostic
Attorneys for the Appellant	*Attorneys for the Appellee*

STATEMENT OF FACTS

Mr. Mark Carter (hereinafter "Carter") was placed on parole in May 1998 after having been found guilty of one count of possession of a controlled substance and one count of drug trafficking. Carter's parole was subject to terms and conditions established by the Kanawha County Adult Parole Authority. At the time he was placed on parole, Carter signed a document entitled "Conditions of Supervision." Paragraph 9 of that document stated, "I agree to a search of my person, my motor vehicle, or my place of residence by a probation/parole officer at any time." After agreeing to the conditions of his parole, Carter was placed under the supervision of Ken Moynahan (hereinafter "Moynahan"), a parole officer with the Adult Parole Authority.

After being placed on parole, Carter went to live in a home owned by his mother, Nora Carter. Some evidence was presented at the suppression hearing that when a parolee is placed in a home, the owner of the home, in this case Carter's mother is informed that the home can be subject to a search at any time. Furthermore, there was some evidence that Nora Carter was informed of this. Several other individuals also resided in the home, however, and no evidence was presented as to whether they were informed of the search possibility.

On October 4, 1998, Carter's parole officer received an anonymous phone call from a female who advised him that Carter was selling illegal drugs from that residence. The anonymous informant also told Moynahan that Carter placed the drugs in his mother's bedroom to avoid detection in the event of a search by his parole officer. Finally, the informant told Moynahan that Carter kept a firearm in the home, which is also a violation of his parole conditions.

Moynahan corroborated the information he received from the anonymous informant by speaking with another parolee. The parolee confirmed that Carter was selling drugs out of his residence and hiding the drugs in his mother's bedroom to avoid detection by his parole officer. After corroborating this information, Moynihan spoke to the anonymous informant a second time, and the informant relayed the same information as in the earlier call. Moynahan claims that in addition to this evidence, he had other evidence that Carter was engaged in illegal activity, but he did not specify what evidence. Moynhan stated that he could not divulge what that evidence was because it could jeopardize the safety of other persons.

After receiving this information, Moynahan called the local drug task force to ascertain whether the task force wanted the Adult Parole Authority to proceed with a search or whether the task force would search on its own. Moynahan did not receive a response from the task force. As a consequence, on October 16 1998, Moynahan again contacted that task force to determine whether he should proceed with a search. The task force advised Moynahan that it had not reached a decision on that matter.

On October 17, 1998, Moynahan asked a fellow parole officer, Jason Timmons (hereinafter "Timmons"), to accompany him in searching Carter's residence. When Moynahan and Timmons arrived at the home, neither of them observed any suspicious activity. Moynahan knocked on the door, Carter answered and Carter let them into the home. According to Moynahan and Timmons, they asked Carter whether they could search the premises, and Carter consented to the search. Timmons proceeded directly upstairs to Carter's bedroom, while Moynahan stayed with Carter downstairs. Timmons searched Carter's bedroom as well as all of the bedrooms upstairs. Timmons did not find any drugs or money in the upstairs bedrooms.

Timmons then went downstairs and thoroughly searched all areas downstairs, including Carter's mother's bedroom. Timmons discovered a locked Sentry safe under Carter's Mother's bed. Timmons then obtained Carter's key ring from his bedroom and used the smallest key on the ring to open the box. Timmons alleged that it later was determined that any small key would open the box because the lock was broken. When Timmons opened the safe, he discovered that it was filled with heroin and cocaine. While in Carter's mother's room, Timmons also noticed that one corner of Carter's mother's mattress was higher than the other corner, as if there was something beneath it. Timmons looked under the mattress and discovered $4,600. A gun was also discovered on the premises. Carter was then arrested for aggravated drug trafficking.

When Nora Carter returned home, after Timmons had already opened the safe, the police asked her to sign a consent to search form, and she agreed. After signing the consent form, the parole officer more completely searched Nora Carter's bedroom. Nonetheless, they did not find any other incriminating evidence in her bedroom. When the officers questioned Nora Carter about the narcotics discovered in her bedroom as a result of the earlier search, she denied that the drugs belonged to her.

On November 13, 1998, the grand jury indicted Carter on two counts of aggravated drug trafficking in cocaine and heroin. On December 3, 1998, a hearing was held on the issue of whether Carter had standing to contest the search and whether the scope of the search exceeded Carter's consent to search. As a result, the court suppressed the evidence gained through the search of the mother's bedroom. The state now brings this timely appeal of that decision.

APPELLANT'S BRIEF

ASSIGNMENT OF ERRORS

There was an error in the trial court in the following particulars:

The Judge erred in granting Carter standing to contest the search of his mother's bedroom.

The Judge erred in determining that the search of said bedroom exceeded Mr. Carter's consent.

The trial court wrongfully suppressed the evidence found in the search of Mr. Carter's mother's bedroom.

ARGUMENTS

Argument #1 – The Judge erred in granting Carter standing to contest the search of his mother's bedroom.

Mr. Mark Carter had no standing to contest the search of his residence. He signed, as a condition of parole from a previous conviction, a document entitled "Conditions of Supervision." Paragraph 9 of that document states "I agree to a search of …my place of residence by a parole officer at any time." A parole officer, Jason Timmons, conducted the search.

Argument #2 – The Judge erred in determining that the search of said bedroom exceeded Mr. Carter's consent.

Mark Carter's mother, Nora Carter, is the owner of the home in which her son made his residence and as such had been informed that the home could be searched at any time as a condition of her son's parole. No evidence was presented at trial that she ever disagreed with or denied this stipulation of her son's parole. The consent made by Nora Carter as the owner of the residence was never limited to selected rooms but encompassed the entire residence. The case, State v. Plantz, 155 W. Va. 24, 180 S.E. 2d 614 (1971) holds that "The voluntary consent of a person who owns or controls premises to search of such premises… does not violate the constitutional prohibition against unreasonable searches and seizures." Likewise, the consent to search agreement that was a condition of Mr. Carter's parole never limited the scope of how much of his residence could be searched. Therefore, the search did not exceed Mr. Carter's consent.

Argument #3 – The Court wrongfully suppressed the evidence found from the search of Mr. Carter's mother's bedroom.

The evidence found in Carter's place of residence is valid. It was the product of a lawfully conducted search. Moynahan and Timmons, parole officers as specified in the terms of probation, had reasonable cause to conduct the search based on information an informant gave them and which another person corroborated. The terms of probation did not require a search warrant. The search was not unconstitutional as "the State and Federal Constitutions prohibits only unreasonable searches and seizures and there are numerous situations in which a search and seizure warrant is not needed, such as…searches and seizures made that have been consented to." State v. Angel, 154 W. Va. 615 177 S.E. 2d 562 (1970).

CONCLUSION

Mr. Carter had no basis to contest any of the search. He had agreed to the conditions of his parole which included a search of his residence by a probation officer at any time. He also consented verbally to a search of his residence when asked by Moynahan and Timmons on October 17, 1998. The trial court improperly granted the motion to suppress the evidence in this case. The lower court's decision should be overturned.

Respectfully submitted,

Samantha Godbey

Mairin Odle

Attorneys for the Apellant

APPELEE'S BRIEF

ARGUMENTS

Argument #1 – The Judge was correct in suppressing the evidence found through an unconstitutional search.

There was no warrant to search Nora Carter's bedroom. Ken Moynahan and Jason Timmons illegally searched her bedroom by doing so without consent, a warrant, or probably cause. This warrantless search is prohibited by the Fourth Amendment. According to WV State Code 62-1A-6, this evidence should have been and was suppressed. White v. Melton, 166 WV 249, 273 SE 2 nd 81 (1980) is one example of the use of this.

Argument #2 – Mark Carter's consent to search does not extend to Nora Carter's or any other's bedroom.

Nora Carter's bedroom is not Mark Carter's "place of residence." Since Nora Carter's bedroom is "exclusively used by a non-consenting third party," Mark Carter cannot consent to the search of her bedroom as said in 415 U.S. 164:1974. Therefore, Mark Carter's probation officer has no grounds to search Nora Carter's bedroom without a warrant.

Argument #3 – Ken Moynahan further lacked a reliable informant, credible information, and corroborative evidence which would be necessary to conduct a search based on probable cause.

Although information from informants may be used to establish probable cause, hearsay such as Ken Moynahan used is not permissible unless the informant is "reliable" and "some corroborative evidence exists." There was no corroborating evidence, much less the additional evidence required when the informant is anonymous." Aguilui v. Texas 378 U.S. 108: 1964. Payton v. New York 445 U.S. 573: 1980 further supports this by stating that an officer must have both probable cause and exigent circumstances in order to conduct a warrantless search, neither of which Ken Moynahan had.

CONCLUSION

We feel that this judgment should be upheld since Ken Moynahan clearly conducted an illegal search which violated Nora Carter's and the other residents' right to privacy. This violation should result in the dismissal of all evidence found through this unconstitutional search.

For these reasons, we feel that the judgment of the lower court should be upheld in the case State of West Virginia v. Mark Carter.

Respectfully submitted,

Eric Brannon

Stephanie Bostic

Attorneys for the Apellee

WV YOUTH IN GOVERNMENT 2024

Practice Case

State of West Virginia vs Christopher Morgan

STATEMENT OF FACTS

On February 28, 2020, Sergeant Jeffrey Greene of the West Virginia State Police stopped a vehicle on U.S. 42 after observing a red 2016 Suzuki Trooper running a red light. Christopher Morgan was the driver of the vehicle. As the police officer approached the car, Mr. Morgan rolled down his window and remained seated. Sgt. Greene asked the driver of the vehicle for a driver's license and vehicle registration. While waiting for Mr. Morgan to produce the requested items, Sgt. Greene noticed a strong odor of freshly burned marijuana emanating from the vehicle. At this time Sgt. Greene asked Morgan to exit the vehicle. After Morgan was out of the car, the police officer noticed the smell was also emanating from Morgan's clothing. Sgt. Greene asked Morgan if he had been smoking marijuana. Morgan denied smoking. He also denied smelling the odor of marijuana and professed no knowledge of having any illegal substances.

Sergeant Greene searched Mr. Morgan and discovered a roach clip and cigarette rolling papers in Mr. Morgan's pockets. At trial, Mr. Morgan testified that he rolls his own tobacco cigarettes. He further testified that a friend had given him the roach clip to hold. He forgot that it was in his pocket when he told Sgt. Greene had no knowledge of illegal substances.

Without asking Morgan's permission, Sgt. Greene searched the interior of Morgan's car. He discovered a burnt marijuana cigarette in the ashtray, seeds on the driver's side floor of the vehicle and a plastic bag with seeds and residue stuffed between the front seats. The items were bagged as evidence. Sgt. Greene charged Morgan with a red light violation, possession of drug paraphernalia and possession of marijuana.

The seeds and the residue in the plastic bag were sent to the drug analysis department of the West Virginia State Police. Lisa Adams, an employee of the State Police, testified at trial that the seeds found on the floor and the contents of the plastic bag were cannabis or marijuana.

Morgan filed a motion to suppress the evidence. The trial court conducted a hearing on March 25, 2020. The judge threw out the evidence gathered at the scene by Sgt. Greene. The court concluded that "plain smell" evidence is an insufficient basis to conduct a warrantless search of an individual or an individual vehicle when there is no other tangible evidence to justify the search.

The case is before the West Virginia Supreme Court on the allowance of a discretionary appeal. The State of West Virginia appeals the judgment of the lower court to the West Virginia Supreme Court of Appeals.

APPELLANT'S BRIEF

ASSIGNMENT OF ERRORS

There was an error in the trial court in the following particulars:

The Judge erred in throwing out evidence admissible under the Automobile Exception.

The Judge erred in determining that the search of Morgan's vehicle was illegal under the Plain Smell Doctrine.

The trial court wrongly threw out the evidence found in the search of Morgan's car.

ARGUMENTS

This court should overrule the lower court's decision that Sergeant Jeffery Greene did not have sufficient basis for a warrantless search under the Fourth Amendment. The appellant contends

that the Sergeant's actions were not justified by the Fourth Amendment when he searched the car of Christopher Morgan and seized his possessions. As discussed below, the judge of the lower court did not allow the Fourth Amendment to be correctly applied.

Argument #1: The Judge erred in throwing out evidence admissible under the Automobile Exception.

The Fourth Amendment states that people have the right to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. However, there are many cases where a search and seizure, even without a warrant, is reasonable and necessary. One of these situations is the Automobile Exception. The Automobile Exception was recognized by the Supreme Court of the United States in Terry vs, Ohio. In this case, the Supreme Court of the United States ruled that a police does not violate the Fourth Amendment when he or she stops a suspect on the street and questions him or her even though the officer lacks probable cause to arrest the person, so long as the police officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a crime.

Sergeant Greene had reasonable suspicion to stop Christopher Morgan on the street and question him after running a red light. In doing so, he detected the odor of freshly burned marijuana coming from the car and felt that he should search the car for evidence of such. Since the possession of marijuana is illegal in the state of West Virginia, this gave Greene the probable cause he needed to legally search the car and seize the evidence found.

Under the Automobile Exception, a person's vehicle may be searched without a warrant when suspected contraband is mobile and it is not reasonable to take the time to obtain a warrant as the contraband could be taken away due to its mobility. However, this rule does not give law enforcement officers the right to search just any car they may find suspicious. The Automobile Exception only applies when there is a reasonable traffic stop where the driver has already committed an illegal act while driving. In the current case as mentioned above, Christopher

Morgan was pulled over for running a red light. Sergeant Jeffrey Greene had reasonable cause to stop Morgan, and eventually enough suspicion to question him about the odor emitting from the car. After Morgan denied smelling the scent at all, Greene's actions fell under the Automobile Exception allowing him to search the car and obtain the drug paraphernalia and marijuana that was discovered while doing so.

<u>Argument #2</u>: The Judge erred in determining that the search of Morgan's vehicle was illegal under the Plain Smell Doctrine.

The Plain Smell Doctrine states that police have a limited right to conduct a search without a warrant if there is an odor that suggests illegal content. In the present case, the judge threw out the evidence of marijuana that Greene legally seized, under the pretense that Greene's search and seizure were against the law. However, Greene's actions were protected by the Plain Smell

Doctrine because he reported a "strong odor of freshly burnt marijuana" when he pulled Morgan over for running a red light. Similar to the Automobile Exception, the Plain Smell Doctrine allows warrantless search and seizure as long as the traffic stop can be justified before the odor- related evidence is discovered. This is the case in this situation because Morgan was originally pulled over for running a red light, not for being under suspicion for marijuana use.

The appellant may contend that the officer had no way of knowing there was marijuana present in the vehicle, and thus no reasonable grounds for suspecting Morgan of possessing it, but marijuana has a distinct smell that is "hard to describe but easy to recognize" and is known for having an "earthy, slightly spicy scent with a musty overtone" (cahi.org/marijuana-smell/). Since the smell is so distinct, officer Greene knew by the odor emitting from the car that there was marijuana present.

<u>Conclusion</u>

This court should overrule the lower court's decision that Sergeant Jeffrey Greene didn't have sufficient basis for a warrantless search under the Fourth Amendment. By not applying the Automobile Exception or the Plain Smell Doctrine, the judge threw out admissible key evidence in this case. This evidence is allowed in court because it is an exception to the Fourth Amendment and has been upheld in previous cases such as Terry vs Ohio. The lower court's ruling should be overruled in this court.

Respectfully submitted,

_____

Attorneys for the Appellant

_____

Attorneys for the Appellant

APPELLEE'S BRIEF

ARGUMENTS

<u>Argument # 1</u> –"Plain Smell" is not a sufficient basis for a warrantless

searF**co**h**r.** Sergeant Greene's warrantless search to be valid, he would've needed to establish Probable Cause by a detailed affidavit describing why a warrant is necessary or by giving a live sworn testimony. The West Virginia legal code § 62-1A-10 states,

"(1) Obtains the written consent of the operator of the vehicle on a form that complies with section eleven of this article; or, alternatively,

(2) Obtains the oral consent of the operator of the vehicle and ensures that the oral consent is evidenced by an audio recording that complies with section eleven of this article." Sergeant Greene was completely in the wrong, searching Mr. Morgan's car without addressing his suspicion in full.

<u>Argument # 2</u> –The "search" Sergeant Greene conducted himself was not compliant with the Forth (4th) Amendment.

The 4th amendment in the constitution states, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no Warrants shall issue but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." Sergeant Greene neglected to do three (3) of these laws stated in the U.S Constitution. He took it upon himself to search Christopher Morgan's car and his person with the inadequate evidence of "plain smell". Sergeant Greene also went so far as to search his car not only in plain sight but physically, this is proven by him finding the residue in between the seats of the car. Every person has a right to be secure with their property, and that was not thought of or conducted that day.

<u>Argument # 3</u> –It must be proven without a reasonable doubt that Christopher Morgan was planning on consuming or distributing the substance.

In the United States of America, it must be proven by the state that the person in possession of the controlled substance knew about the substance, and was planning on using the substance or selling it to an outside party. 21 U.S.C. § 841 mentions this idea by stating that it is against federal law to have a controlled substance in your person's possession with the intent of personal consumption or giving out to other people for them to consume. The proof needed to be given by the state goes as follows;

"First (1), that [defendant] on that date possessed [controlled substance], either actually or constructively;

Second (2), that [he/she] did so with a specific intent to distribute the [controlled substance] over which [he/she] had actual or constructive possession; and

Third (3), that [he/she] did so knowingly and intentionally."

Christopher Morgan didn't do any of the above, he didn't know about the roach clip nor did he intend on selling it or trying to use it for himself. The rolling papers found do not at all suggest he was using any illegal drugs. The sole intent of rolling papers is to roll your own cigarettes, and there is absolutely no law saying that a person of age cannot do this.

CONCLUSION

My partner and I feel the judgment of the lower court is correct and should continue to stand correct in the West Virginia Supreme Court. This violated Christopher Morgan's 4th amendment rights which is unconstitutional. There is a lack of evidence to convict Mr. Morgan. These actions alone should dismiss the appeal upon request by the West Virginia Supreme Court.

In closing , My partner and I feel the lower court's judgment is correct and should continue to stand correct in the case of State of West Virginia v. Christopher Morgan.

Respectfully submitted,

_____

Attorneys for the Appellee

_____

Attorneys for the Appellee

2024 67th Annual
WEST VIRGINIA SUPREME COURT

TOMORROW'S LEADERS
START TODAY

YOUTH LEADERSHIP ASSOCIATION

Youth Governor
Ella G. Waters
Hedgesville YLA

Youth Chief Justice
Cole Thomas
James Monroe YLA

APRIL 25-27, 2024

CASE YOUTH SUPREME COURT DOCKET

CASE	Sandra Pittman v Doctor Eugene Roland			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
01	Rosslyn St. Clair	LeiAnn Richmond	Cate Milliman	Pacey Frum
	Paige Amos	Katherine Viars		
James Monroe	**Justices:** Cole Thomas, Nick Albright, Joan Wilkerson, Maggie Conrad, Jacob Boyette			

CASE	State v Barton			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
02	Olivia Hanna	Shelby Plants	Alexis Wuchner	Ash Roth
	Kamryn Watson	Ben Supple		
Point Pleasant	**Justices:** Ethan Freed, Thomas Lyons, Jesse Pappalianna, Tripp McMillion, Lila Roman			

CASE	American Civil Liberties Union (ACLU) v City of Beckley			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
03	Allison McGraw	Grace Gatts	Carol Russell	Shyann Hurst
	Cheyenne Harvey	Zoe Zervos		
John Marshall	**Justices:** Cole Thomas, LeiAnn Richmond, Kristofer Halstead, Katelyn Duckworth, Kerstyn Clendenen			

CASE	Elizabeth Campbell v The State of West Virginia			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
04	Rileigh Jackson	Rylie Surface	Gracie Hunter	Kollin Hatfield
	Bryer Surface	Emma Mann		
James Monroe	**Justices:** Nick Albright, Peyton Trippett, Lilly St. Clair, Alana Kaniecki, Delaney Pearson			

CASE	City of Clendenin v Evans			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
05	Maggie Conrad	Carol Russell	Danni Dunbar	Kylee Johnson
	Brendolynn Williams	Lincoln Amos		
Wirt County	**Justices:** Cole Thomas, Brodie Baker, Cameron McCord, Bryer Surface, Rylie Surface			

CASE	Knights of the Ku Klux Klan v WV Department of Administration General Services Division			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
06	Kollin Hatfield	Catherine Milliman	Jamie Collins	Joelle Gonchoff
Hedgesville	**Justices:** Ethan Freed, Sydney Barnhart, Emily Suarez, Olivia Hanna, Rileigh Jackson			

CASE	Matthew Price v McDowell County Board of Education			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
07	Peyton Trippett	Kerstyn Clendenen	Paige Amos	Katherine Viars
Point Pleasant	**Justices:** LeiAnn Richmond, Alina Holliday, Amelia Kaste, Abbi Mathis, Lylla Shorter			

CASE	John Newhouse & Anthony Bishop v Calvin Myles			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
08	Tripp McMillion	Lilly St. Clair	Brendolynn Williams	Kami Watson
	Lainey Taylor			
James Monroe	**Justices:** Thomas Lyons, Pacey Frum, Grace Gatts, Allie McGraw, Ben Supple			

CASE YOUTH SUPREME COURT DOCKET

09	**State v Smithers**			
	Appellants	**Appellees**	**Clerk**	**Bailff**
	Shyann Hurst	Danni Dunbar	Jesse Pappaianni	Jacob Boyette
	Lylla Shorter	Kristofer Halstead		
James Monroe	**Justices:** Ethan Freed, Cole Thomas, Jamie Collins, Cheyenne Harvey, Ash Roth			
10	**Wheeling City Commission v Devon Jackson**			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
	Brodie Baker	Lila Roman	Rosslyn St. Clair	Ben Supple
	Cameron McCord	Emily Suarez		
John Marshall	**Justices:** Nick Albright, Thomas Lyon, Lincoln Amos, Paige Amos, Gracie Hunter			
11	**State of West Virginia v Jeffrey L. Chandler**			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
	Joan Wilkerson	Alexis Wuchner	Katelyn Duckworth	Rileigh Jackson
	Kylee Johnson			
Buckhannon-Upshur	**Justices:** Cole Thomas, Ethan Freed, Zoe Zervos, Emma Mann, Brendolynn Williams			
12	**The State of West Virginia v Anthony Baggins**			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
	Alana Kaniecki	Amelia Kaste	Bryer Surface	Rylie Surface
	Sydney Barnhart	Jacob Boyette		
John Marshall	**Justices:** Nick Albright, Joelle Gonchoff, Kollen Hatfield, Shyann Hurst, LeiAnn Richmond			
13	**State of WV v Sam Tolson**			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
	Delaney Pearson	Pacey Frum	Cheyenne Harvey	Lylla Shorter
Point Pleasant	**Justices:** Thomas Lyons, Ethan Freed, Danni Dunbar, Kylee Johnson, Catie Milliman			
14	**State of West Virginia v Claxton**			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
	Ash Roth	Alina Holiday	Kerstyn Clendenen	Tripp McMillion
	Gracie Hunter	Joelle Gonchoff		
John Marshall	**Justices:** Cole Thomas, LeiAnn Richmond, Katerine Viars, Lanie Taylor, Shelby Plants			
15	**Hill v Department of Health & Human Resources**			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
	Katelyn Duckworth	Jamie Collins	Abbi Mathis	Peyton Trippett
		Jesse Pappaianni		
Wirt County	**Justices:** Thomas Lyons, Carol Russell, Kami Watson, Alexis Wuchner, Rosslyn St. Clair			
16	**Randozo-Capone v Olivia's International, Inc.**			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
	Abigail Mathis	Elizabeth Adkins	Zoe Zervos	Cameron McCord
James Monroe	**Justices:** Cole Thomas, Nick Albright, Thomas Lyons, Ethan Freed, LeiAnn Richmond			

WV YOUTH IN GOVERNMENT 2024

CASE #1

Sandra Pitman v Doctor Eugene Roland

THE MODEL SUPREME COURT OF THE STATE OF WEST VIRGINIA

Sandra Pitman	vs.	Doctor Eugene Roland
Prosecution (Appellant)		Defendant (Appelle)
Rosslyn St. Clair		LeiAnn Richmond
Paige Amos		Katherine Viars
Attorneys for the Appellant		*Attorneys for the Appelle*

STATEMENT OF FACTS

In August of 2020, Saudra Pitman (hereinafter Pitman), a thirty-year-old dental hygienist, and resident of Brocton Mills, West Virginia, made an appointment with Doctor Eugene Roland (hereinafter Doctor Roland), a plastic surgeon to discuss having cosmetic surgery done. Doctor Roland is an accomplished physician and well respected in the field of cosmetic surgery. Pitman's interest in having cosmetic surgery done was due to severe facial injuries she had suffered in a car accident earlier that year. As a result of the accident, Pitman had several noticeable scars on both her nose and upper lip.

The first consultation between Pitman and Doctor Roland occurred on August 24, 2020 in Doctor Roland's office located in Wheeling, West Virginia. During this consultation Doctor Roland explained to Pitman, the type of surgery that would be needed to cover the facial scars. Doctor Roland also went through all of the possible side effects and problems that could occur if the surgery was not successful or an error was made during the procedure. According to the pamphlets that Pitman had read in Doctor Roland's office, the surgery they discussed was quite common and the success rate for such a procedure was nearly 100%.

On September 15, 2020, Pitman met with Doctor Roland for the second time to go over the particular forms that Pitman needed to sign before the surgery could take place. During this meeting Doctor Roland again discussed with Pitman the procedure and reminded her of the possible dangers if something were to go wrong during the surgery. During this meeting, Doctor Roland assured Pitman
that everything would be fine. Among the documents that Pitman signed, was patient cosmetic "release" form. The form stated as follows "I hereby declare that I fully understand the cosmetic procedure that will be performed on me this day (date)." "I also declare that I have been fully informed of all possible side effects and or problems that may arise during or after the surgery." "I hereby voluntarily consent to this operation and absolve Doctor Eugene Roland along with his staff,
family, as well as his estate from any liability due to complications occurring before, during, or after surgery." "I hereby state that I have read and understand this release form."

As Pitman prepared to review the "release" form, she realized that she had left her reading glasses at home. Rather than rescheduling the appointment, which would in tum postpone her
surgery, Pitman went ahead and signed the "release form." While signing, Pitman remarked to Doctor Roland that she was having problems reading the agreement without her glasses. Despite this complication, Pitman signed the "release" form.

The surgery was an outpatient procedure that took place on September 30, 2020 The initial results of the procedure were quite successful. However, three weeks after the surgery, blisters containing pus-like substance began oozing from Pitman's upper lip. Pitman was admitted to the Ohio Valley Medical Center and treated by Doctor Simon Kwon (hereinafter Doctor Kwon), physician on staff. Doctor Kwon informed Pitman, that the blisters were a result of a severe infection

caused by Doctor Roland's failure to properly clean and bandage the area in which he had performed surgery. Doctor Kwon stated in Pitman's medical report that such a failure was due to extreme negligence on the part of Doctor Roland.

Since the cosmetic surgery, Pitman had gone through two corrective surgeries to correct the damage caused by the infection. Pitman has no visible scars but no longer has sensation in her upper lip, and has problems with her speech. She had asked for damages totaling $400,000 ($62,000 two corrective surgeries; $38,000 past pain and suffering; $300,000 future pain and suffering).

The lower court found in favor of the defendant Doctor Roland, thus granting his request for summary judgment. The basis for summary judgment was the "release" of liability signed by Pitman before the surgery. The lower court held that the plaintiff has executed a release of all claims arising from any act or omission of the defendant, including negligent acts or omissions. Despite finding that Doctor Roland was negligent in his treatment of Pitman, the Court stated that the "release" agreement was valid and enforceable, precluding Pitman from requesting any damage award from Doctor Roland. The Court also stated that such a "release" while questionable in its purpose did not go against public policy.

In response to the plaintiff's failure to properly review the "release" agreement, the Court stated that in absence of fraud or mutual mistake, a party who executes a written contract cannot say that he was ignorant of its contents and thus escape liability. The lower court granted a summary judgment thus finding in favor of the defendant Doctor Roland. Pitman is appealing her case to the Supreme Court of Appeals of West Virginia.

APPELLEE'S BRIEF

ARGUMENTS

#1 The release form did protect Dr. Eugene Roland from any and all damages that Ms. Pitman sought from the court.

These release forms, or waivers did protect Dr. Roland because it is a form of written consent given to Dr. Roland by Ms. Pitman. As we learn from the statement of facts, we understand that the first consultation took place on August 24, 2020 in Dr. Roland's office. He went over the type of surgery that would be needed to cover up the scars and he made sure to cover all the side effects and problems that could happen during and/or after the surgery. This however, was not the last consultation the two of them had which were September 15, 2020 and September 30, 2020, in which the last consultation was the signing of the documents.

#2 Release forms are permitted under public policy in the state of West Virginia

Although Ms. Pitman was having trouble reading the documents clearly; she still decided to sign them, instead of rescheduling the appointment. In the statement of facts we understand that in the release forms she agreed to now absolve Doctor Eugene Roland along with his staff, family, as well as his estate from any liability due to complications occurring before, during, or after surgery. In the West Virginia state code W. Va. Code § 20-3B-3, it expresses *"if agreement expressly and clearly includes a waiver of liability and is made freely and fairly between parties in equal bargaining position, unless there is a contrary safety statute or public interest."*

#3 Ms. Pitman is aware of the document she signed

As Ms. Pitman is of consenting age, she is able to efficiently read the document and sign to give her consent. And she was not coerced into signing this document; she simply could have just said she did not have her reading glasses with her and was not able to clearly see the document provided by Doctor Roland. Ms. Pitman could have easily rescheduled the appointment or ask Dr. Roland to read the documents to her.

Conclusion:

Your honors, after listening to our arguments centered around the innocence of Doctor Eugene Roland, we hope you understand that Ms. Pitman agreed to absolve him from anything that went wrong during and/or after the surgery.
Thank you for your time and consideration.

THE MODEL SUPREME COURT OF WEST VIRGINIA

Sandra Pitman vs Doctor Eugene Roland Prosecution (Appellant) Defendant (Appellee)

Rosslyn St. Clair Leiann Richmond Paige Amos Katherine Viars Attorney's for the Appellant Attorney's for the Appellee

STATEMENT OF FACTS

In August of 2020, Saudra Pitman (hereinafter Pitman), a thirty-year-old dental hygienist, and resident of Brocton Mills, West Virginia, made an appointment with Doctor Eugene Roland (hereinafter Doctor Roland), a plastic surgeon to discuss having cosmetic surgery done. Doctor Roland is an accomplished physician and well respected in the field of cosmetic surgery. Pitman's interest in having cosmetic surgery done was due to severe facial injuries she had suffered in a car accident earlier that year. As a result of the accident, Pitman had several noticeable scars on both her nose and upper lip.

The first consultation between Pitman and Doctor Roland occurred on August 24, 2020 in Doctor Roland's office located in Wheeling, West Virginia. During this consultation Doctor Roland explained to Pitman, the type of surgery that would be needed to cover the facial scars. Doctor Roland also went through all of the possible side effects and problems that could occur if the surgery was not successful or an error was made during the procedure. According to the pamphlets that Pitman had read in Doctor Roland's office, the surgery they discussed was quite common and the success rate for such a procedure was nearly 100%.

On September 15, 2020, Pitman met with Doctor Roland for the second time to go over the particular forms that Pitman needed to sign before the surgery could take place. During this meeting Doctor Roland again discussed with Pitman the procedure and reminded her of the possible dangers if something were to go wrong during the surgery. During this meeting, Doctor Roland assured Pitman that everything would be fine. Among the documents that Pitman signed, was patient cosmetic "release" form. The form stated as follows "I hereby declare that I fully understand the cosmetic procedure that will be performed on me this day (date)." "I also declare that I have been fully informed of all possible side effects and or problems that may arise during or after the surgery." "I hereby voluntarily consent to this operation and absolve Doctor Eugene Roland along with his staff, family, as well as his estate from any liability due to complications occurring before, during, or after surgery." "I hereby state that I have read and understand this release form."

As Pitman prepared to review the "release" form, she realized that she had left her reading glasses at home. Rather than rescheduling the appointment, which would in tum postpone her surgery, Pitman went ahead and signed the "release form." While signing, Pitman remarked to Doctor Roland that she was having problems reading the agreement without her glasses. Despite

this complication, Pitman signed the "release" form.

The surgery was an out patient procedure that took place on September 30, 2020 The initial results of the procedure were quite successful. However, three weeks after the surgery, blisters containing pus like substance began oozing from Pitman's upper lip. Pitman was admitted to the Ohio Valley Medical Center and treated by Doctor Simon Kwon (hereinafter Doctor Kwon), physician on staff. Doctor Kwon informed Pitman, that the blisters were a result of a severe infection caused by Doctor Roland's failure to properly clean and bandage the area in which he had performed surgery. Doctor Kwon stated in Pitman's medical report that such a failure was due to extreme negligence on the part of Doctor Roland.

Since the cosmetic surgery, Pitman had gone through two corrective surgeries to correct the damage caused by the infection. Pitman has no visible scars but no longer has sensation in her upper lip, and has problems with her speech. She had asked for damages totaling $400,000 ($62,000 two corrective surgeries; $38,000 past pain and suffering; $300,000 future pain and suffering).

The lower court found in favor of the defendant Doctor Roland, thus granting his request for summary judgment. The basis for summary judgment was the "release" of liability signed by Pitman before the surgery. The lower court held that the plaintiff had executed a release of all claims arising from any act or omission of the defendant, including negligent acts or omissions. Despite finding that Doctor Roland was negligent in his treatment of Pitman, the Court stated that the "release" agreement, was valid and enforceable, precluding Pitman from requesting any damage award from Doctor Roland. The Court also stated that such a "release" while questionable in its purpose did not go against public policy.

In response to the plaintiff's failure to properly review the "release" agreement, the Court stated that in absence of fraud or mutual mistake, a party who executes a written contract cannot say that he was ignorant of its contents and thus escape liability. The lower court granted a summary judgment thus finding in favor of the defendant Doctor Roland. Pitman is appealing her case to the Supreme Court of Appeals of West Virginia.

ARGUMENTS

Argument 1: Sandra Pitman did not sign the release form agreeing to look over the fact that Doctor Eugene Roland was lazy and did not perform the aftercare of the surgery correctly.

Mrs. Pitman signed the release form agreeing to the fact that if the surgery went bad or if her own body rejected it then in turn she could not sue Doctor Roland. However, it was proven fact when Doctor Simon Kwon discovered that the reaction she had was due to negligent care on Doctor Roland's part. He did not properly clean the bandage and healing area correctly, and as a doctor caring for patients, Pitman has every right to sue him for pain and suffering damages.

Argument 2: Doctor Roland took advantage of Pitman's vision impairment during the signing of

the release form rather than doing his job and stopping the process in order to make sure she understood the fine print.

Pitman admitted to Doctor Roland that she was having trouble reading it without her glasses. Instead of stopping her from signing the release form, he took this information and willingly ignored it. As a doctor, your job to your clients is to make sure they are completely understanding of what is going to be happening to them and all of the possible consequences that could result from it. He did not do his job in this instance.

Argument 3: Doctor Roland's release form was invalid because it doesn't adhere to West Virginia's public policy.

According to West Virginia public policy, release forms, or exculpatory contracts, are deemed invalid if it "absolves a party of liability for failure to conform to a statutorily imposed standard of conduct." Cases that set a precedent for this are Finch v. Inspectech, Murphy v. N. Am. River Runners. As a plastic surgeon and healthcare provider, it is Doctor Roland's standard of conduct to give quality care and to not cause further harm to patients. Pitman's wounds were said to be a result of "extreme negligence on the part of Doctor Roland." Doctor Roland, as a surgeon, is expected and required to correctly perform not only surgeries, but the aftercare for the patients as well. The release form is to protect Doctor Roland from taking the blame for unpreventable reactions patients might have to the procedures, not to take the blame off of him when he performs malpractice.

Conclusion: Pitman should be compensated for the harm Doctor Roland caused her by his negligence as a surgeon to clean her wounds properly and not making sure she understood the form she was signing. Since the harm was a result of Doctor Roland's negligence, it is not covered by the contract.

WV YOUTH IN GOVERNMENT 2024

CASE #2

State of West Virginia v Barton

THE MODEL SUPREME COURT OF WEST VIRGINIA

Barton	v.	State
Prosecution (Appellant)		*Defendant (Appellee)*
Olivia Hanna & Kamryn Watson		Shelby Plants & Ben Supple
Attorneys for the Appellant		*Attorneys for the Appellee*

STATEMENT OF FACTS

State v. Barton

On November 2, 2015, Catherine Callson was at work as a clerk at a convenience store. She was alone when she decided to step out of the store around 9:00 p.m., where she observed a person wearing a ski mask approaching the store. She ran back into the store and held the door closed as the person in the mask attempted to get in by pulling on the door. Callson successfully prevented the person from getting in and he fled. Callson believed she saw a gun during the struggle over the door. An older model blue Chevrolet S-10 pickup truck was seen leaving the area at a high rate of speed.

Police officers responded, and the initial investigation led them to the home of Tim Landingham, where the officers found the blue pickup truck. Landingham initially told officers that he spent the evening with the defendant, Steve Barton. When officers returned to Landingham to get better directions to Barton's home, they told Landingham they thought he was lying. At that point, Landingham confessed that he had driven Barton to the convenience store so Barton could rob it.

Officers then arrived at Barton's home where they said they wanted to speak with Barton about the attempted robbery. Officers arrived at Barton's home at about 2:00 a.m. They knocked loudly and announced their presence. After a moment passed and there was no response, they knocked again and again and announced their presence and identity. Then they heard rapid footsteps, as if someone were running through the home. The officers broke the door open and rushed into Barton's living room with their guns drawn, finding Barton there and

ordering him to the ground. Barton complied. Officers then took a statement from him and searched his home. The officers did not have a search warrant. Barton moved to suppress the statement and the fruits of the officers' search on the ground that they violated Barton's Fourth Amendment rights. That motion was denied and the evidence was introduced at trial. Barton was convicted at trial and has appealed his conviction.

Issue: Whether the officers violated Barton's Fourth Amendment rights when they entered and searched Barton's home without a warrant but when they had at least some evidence that the perpetrator of the attempted robbery was armed and they heard someone running through the house.

APPELLANT'S BRIEF

ASSIGNMENT OF ERRORS

a) The court erred in denying the suppression of evidence that was obtained by violating the defendant's 4th Amendment rights.

ARGUMENTS

Argument 1: The evidence obtained from Barton's home on the night of his arrest was obtained illegally and violated his 4th Amendment rights.

The cops did not have a warrant to search Barton's home at the time of his arrest. There are only four exceptions for legally searching a home without a search warrant. These four examples are as follows:

- Felony Flight Law - The law that if police witness a felony being committed and the person runs from the police they are permitted to follow the person who committed the crime into their home.
- Plain View Doctrine - A rule of criminal procedure which allows an officer to search the area of a crime without a warrant when the evidence is clearly visible.
- Consent - If the person who has dominion and control of the residence allows police to enter, then the police are legally allowed to be in the residence.
- Exigent Circumstances - The exclusionary rule that applies only when police must act immediately if they have reasonable belief that entry is necessary to render aid to an injured person, to prevent imminent injury to someone inside, or to prevent the damage/disposal of evidence.

Barton was not in plain view, he did not give consent for entry, and the police did not witness Barton commit a felony. Exigent circumstances require the court to examine whether an emergency justified a warrantless search in each particular case. In the case of *United States v. Ellis, 499 F.3d 686 (7th Cir. 2007)*, similar circumstances occurred, and the court ruled that movement in a house is not enough to amount to probable cause (reasonable grounds for making a search, pressing a charge) that evidence was being destroyed or hidden.

- United States v. Ellis, 499 F.3d 686 (7th Cir. 2007)

  The police went to the defendant's home in order to conduct a "knock and talk." The defendant answered the door and denied that anybody was in the house or that he lived there. Another officer at the side door heard moving around in the house and entered. The officer at the front door did not communicate information relating to what the defendant said, to the officer at the side door. The mere sound of "movement in the house" is not enough to amount to probable cause that evidence was being destroyed or hidden. There was no probable cause basis for the officer at the side door to justify his entry and thus the exigent circumstances exception to the requirement of obtaining a search warrant did not apply.

In Catherine Callson's statement, she states that she believed she saw a gun. This is not solid evidence that a gun was present, or that Barton was the one in possession of said gun. The police cannot prove that the "footsteps" they heard was an indication of anything because movement in a home isn't a solid resource to rely on because it can be very easily misinterpreted or be from a source unrelated to what they are searching for.

Argument 2: The evidence obtained from Barton's home on the night of his arrest is inadmissible and should not have been held against him in court.

The Fruit of Poisonous Tree Doctrine is a rule under which evidence that is obtained from a direct result of illegal state official action is inadmissible in a criminal trial against the victim of conduct. The exclusionary rule of law that prevents illegal evidence from being used in court should have been applied during the trial. There was no probable cause to validate the warrantless search of Barton's home, nor was there probable cause to arrest without the discovery of evidence in the home. The unwarranted entry and search provided evidence that legally should not have been held against Barton in court without violating his 4th Amendment right of protection against unwarranted search and seizure.

CONCLUSION

The evidence obtained from Barton's home was obtained illegally. His 4th Amendment rights were violated when officers entered his home without a search warrant. None of the exceptions that apply to searching a home without a warrant apply to this case. There was not enough probable cause or reasonable suspicion to enter the home either, as the tip off and the footsteps do not warrant the violation. Since it was obtained illegally, the evidence found is inadmissible, and never should have held up in court.

Based on the foregoing arguments, the decision of the trial court should be overturned.

Respectfully Submitted,

Olivia Hanna

Olivia Hanna
Attorney for the Appellant

Kamryn Watson

Kamryn Watson
Attorney for the Appellant

APPELLEE'S BRIEF

Argument #1

Miss Callson confessed to seeing a blue Chevrolet S-10 pickup truck driving away after the attempted robbery. After she told the police, the police started an investigation found the owner of the truck who happened to be Mr. Landingham. Who confessed that he drove Mr. Barton to the convenience store that night of the robbery, so that Barton could rob the store. Intending that Barton had the intention to rob the convenience

Argument #2

Later that day the police had arrived at Barton's home, they knocked loudly on his door and identified themselves. After the police knocked they heard Barton running around in the house. They knocked over and over again and still no response. The fact that Barton had not answered the door warrants that he had something to hide.

Argument #3

The police had every right to arrest Barton because of probable cause. They did not violet Barton's Fourth amendment because it states that " The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons things to be seized." The police had every right to enter Barton's home because they had enough evidence from the truck that Miss Callson saw, to Mr. Landinghand's confession to driving the truck, and to Barton not answering the door knowing it was the police.

Submitted by,

Shelby Plants

Ben Supple

WV YOUTH IN GOVERNMENT 2024

CASE # 3

American Civil Liberties Union v City of Beckley

In the Model Supreme Court of the State of West Virginia

American Civil Liberties Union (ACLU)	vs.	City of Beckley
Prosecution (Appellant)		Defendant (Appellee)

Grace Gatts Zoe Zervos Attorneys for the Appellee	Cheyenne Harvey Allison McGraw Attorneys for the Appellant

Appellant's Brief

Assignments of Error

a) The trial court below erred in finding BCO 3-720 to be a valid and permissible regulatory restraint on commercial free speech.

b) The trial court erroneously applied the U.S. Supreme Court's *Central Hudson* test to determine the Constitutionality of government restraints on commercial free speech.

Arguments

Argument #1- The trial court failed to find a valid reason for restraint on this commercial free speech.

The First Amendment to the United States Supreme Court states that "Congress shall make no law . . .abridging the freedom of speech." While this amendment only directly applies to the Federal Government, the Fourteenth Amendment makes that same prohibition apply to state and local governments, like the City of Beckley. Furthermore, "prior restraints" (attempts to prevent or censor materials BEFORE they are published) are further protected under the U.S. Constitution. *Near v. Minnesota*, 283 U.S. 697 (1931).

Commercial speech is that which is related solely to the economic interest of the speaker and audience. It is deemed "commercial" if it is an advertisement, it refers to a specific product or service, and the speaker has an economic motivation for the speech. *Greater Baltimore Ctr. For Pregnancy Concerns, Inc. v. Mayor & City Council of Baltimore*, 723 F.3d 264, 285 (4th Cir. 2013).

By the 1970's U.S. Supreme Court confirmed that "commercial speech" is, indeed, protected by the First Amendment. *Bigelow v. Commonwealth of Virginia*, 421 U.S. 809 (1975), *VA State Pharmacy v. VA Citizens Consumer Council*, 425 U.S. 748 (1976).

Argument #2- The trial court failed to apply the *Central Hudson* test when determining the constitutionality in this free commercial speech.

Central Hudson Gas & Electric Corp. v. Public Service Commission of N.Y., 447 U.S. 557 (1980) While Courts have upheld certain restraints on commercial speech, the *Central Hudson* case developed the standards a court should review to determine if a restraint on commercial speech is permissible.

Restraints on commercial speech are reviewed under an intermediate standard of scrutiny. While this is not the strictest or hardest to overcome standard, it is more than the mere rational basis test used for other alleged infringements on free speech.

Central Hudson established the following four-part test for assessing restrictions on commercial speech:

1. To be protected, the speech must concern lawful activity and not be misleading.
2. The asserted governmental interest in the restriction must be substantial.
3. The regulation must directly advance the governmental interest.
4. The regulation must be no more extensive than necessary.

In applying the *Central Hudson* test to the facts of this case we can clearly see that commercial speech, as is the type demonstrated by the billboards at issue in this case, is clearly protected. First, the speech demonstrated by the billboards is related to the lawful activity of advertising for listenership to a radio program. It does not reflect or promote any illegal activity or behavior. The billboard is also not false, deceptive, or misleading. At most, the billboard is a commercial joke or satire which the U.S. Supreme Court has ruled is also protected by the First Amendment. *Hustler v. Falwell*, 485 U.S. 46 (1988).

Having determined that the commercial speech of the type demonstrated on the subject billboards is protected, we investigate whether the City of Beckley has a substantial interest in restricting this particular speech. While the stated purpose of BCO 3-720 claims to protect "the public health [and] safety," it also clearly states an attempt to control the "morals of the people of Beckley". The actual legislative history of the rule demonstrates broader puritan interests. Groups with moral, societal, and religious motives seemingly in opposition to the content of the billboard pushed extensively for and specifically wrote the language of BCO 3-720. Council members demonstrated their personal "contempt" for the content against the radio station directly by stating that they "will do anything in [their] power to stop that radio station." These morally based judgements on the content of certain advertising do not rise the level of "substantial interest" such that BCO 3-720 could survive scrutiny. While the government can, in limited circumstances, demonstrate substantial interests that may allow restrictions on commercial speech for public health purposes, it is not clear that the current regulation, as applied, would be a permissible restraint on commercial advertising.

Conclusion

While American Radio Corporation voluntarily took down its billboards, it did so out of fear that the City of Beckley's "moral police" would seek to punish it. American Radio Corporation has a protected First Amendment right to its commercial speech so long as its advertising is not false or misleading. If commercial advertising is not false or misleading, BCO- 3-720 could not be used to regulate, restrain and punish speech. The regulation does not advance any valid governmental substantial interest. Even assuming the interest alleged by the city was substantial, the particular requirements of the law do not directly advance that interest and are, in fact, more extensive that would be necessary to meet that interest. As such, the trial court incorrectly upheld the Constitutionality of BCO 3-720. On appeal, this Honorable Court should rule BCO 3-720 to be an unconstitutional restraint on protected commercial speech.

Respectfully submitted,

_____

Allison McGraw

_____

Cheyenne Harvey

Attorneys for the Appellant

APPELLEE'S BRIEF

ARGUMENTS

Argument #1: The court was correct in ruling that states have the right to regulate commercial speech (specifically billboards) under the Constitution.

The billboards not only endangered many lives, but also meet the Supreme Court's legal definition of "obscene". In *Miller v. California*, it was ruled that media content can be restricted if it is proven to be obscene. A 3-part assessment known as the *Miller* test became the determinant of what content is defined as "obscene" in legal rulings. The standards used in *Miller v. California* that decide whether or not media is obscene include whether an average citizen of the community would find that the media appeals to a "prurient interest"; whether the media describes sexual conduct as defined by state law; and whether the work "lacks serious literary, artistic, political, or scientific value." ACLU's billboard advertisements meet two of the three standards of obscenity (as defined within Miller v. California). The billboards were shown to be disliked within the community and by activist organizations such as the Advocates for Religious Causes, which meets the first criterion of the *Miller* test. Also, the billboards were proven to meet the second criterion of the *Miller* test as they were not created for literary, artistic, political, or scientific purposes.

A second case, *Central Hudson Gas & Elec. v. Public Service Commission*, also established standards that commercial speech had to meet to be considered unconstitutional (as listed below). The ban on Ben and Jerry's advertisements meets the majority of these guidelines because the City of Beckley proved to have a "substantial interest" in regulating the speech when the public fury began, and a member of City Council was quoted saying they would "do anything on our power to stop that radio station." Also, the regulation related directly to the reason the speech needs to be limited as the main problem with the billboards were the fatalities they caused, and the ordinance placed the limit on advertising that would endanger the health and safety of the citizens of Beckley.

Argument #2: The standard that courts must use in this case are outlined in the *Central Hudson Gas & Elec. v. Public Service Commission.*

Central Hudson Gas & Elec. v. Public Service Commission, a case on restriction of commercial speech, established a second test that determines if restrictions to commercial speech are constitutional:

1. If the government can prove that the speech is misleading or involves illegal activity, it is okay to restrict the speech.
2. The government must prove "substantial interest" in regulating the speech.
3. The regulation must relate directly to the reason the speech needs to be limited. For example, the City of Beckley's interest is preventing more deaths or injuries along the roadway where the billboards were placed. Therefore, the ban on advertising in Beckley must relate to the protection of the citizens' health and safety.
4. The regulation cannot be stricter and broader than necessary.

At least two cases regarding commercial speech (including Puerto Rico's ban on casino ads) have been upheld using this test.

Argument 3: The city of Beckley still did not violate the First Amendment in its enforcement of the BCO 3-720(B) Ordinance.

As stated above, cases regarding the restriction of commercial speech are determined by a set of criteria from two separate cases: *Miller v. California* and *Central Hudson Gas & Elec. v. Public Service Commission*. According to these cases' standards, the City of Beckley was within its rights to establish Ordinance BCO 3-720(B). Also stated above, the City of Beckley's ordinance meets the majority of the criteria for determining if free speech is unconstitutional and therefore meets the Supreme Court's requirements for regulation of commercial speech.

CONCLUSION:

We feel that the judgment in favor of the City of Beckley should be upheld as it meets the criteria outlined in multiple Supreme Court rulings (*Miller v. California* and *Central Hudson Gas & Elec. v. Public Service Commission)* for the regulation of free speech. According to these cases' standards, the City of Beckley was within its rights to establish Ordinance BCO 3-720(B); and as the City of Beckley's ordinance meets the standards established by the Supreme Court of the United States, it does not violate the First Amendment in its enforcement. This should result in the dismissal of the appeal requested by the American Radio Corporation.

For these reasons, we feel that the judgement of the Raleigh County Circuit Court should be upheld in the case of ACLU v. City of Beckley.

Respectfully submitted,

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Grace Gatts

_____

Zoe Zervos

Attorneys for the Appellee

WV YOUTH IN GOVERNMENT 2024

CASE # 4

Elizabeth Campbell v The State of West Virginia

THE MODEL OF THE SUPREME COURT OF THE STATE OF WEST VIRGINIA

Elizabeth Campbell	vs.	The State of West Virginia
Prosecution (Appellant)		Defendant (Appellee)
Rileigh Jackson		Rylie Surface
Bryer Surface		Emma Mann
Attorneys for the Appellant		*Attorneys for the Appellee*

STATEMENT OF FACTS

On June 17, 1997, Detective Jamie Palmer with the Mingo County Sheriff's Department received a call on his car radio at 10:33 am that someone had been shot at 1799 Carter Street, NW.

When he arrived at the house a small crowd had begun to gather at the front of the house. As he approached the front door, an unidentified woman said to him that people in the neighborhood was always calling the police about fights between Mr. and Mrs. Campbell. He continued up the walk and knocked on the front door. Mrs. Elizabeth Campbell answered the door and led him through the house until they came to the stairway where he saw Edward Campbell lying face down on the stairway, dead. Elizabeth Campbell continued to tell Detective Palmer that she had shot her husband three times with a .32 caliber revolver. Detective Jamie Palmer read Elizabeth Campbell her Miranda rights and placed her under arrest. As they were getting ready to leave, two children came out of one of the bedrooms upstairs; they were crying and they ran to Mrs. Campbell. Detective Palmer asked if they were her children and she was very disoriented and did not answer him. He repeated the question and about the time he finished repeating it, Sandy Clark, Elizabeth Campbell's sister arrived at the house. She said that she was afraid that something had happened and that is why she came over. Sandy had talked to Elizabeth Campbell on the phone exactly eighteen minutes before Elizabeth killed Edward.

Detective Palmer later stated there were not any signs that a struggle had taken place the morning of the murder, although he saw several bruises on Mrs. Campbell's face. He also said that later that night he got to see the actual record of the 911 call that came in and it turned out that Elizabeth Campbell was the one who made the call.

Edward and Elizabeth Campbell had been married nine years. Elizabeth swore in her affidavit that she had been battered for six of those years. She claims that she was dependent upon Edward and therefore she could not leave.

Elizabeth Campbell now claims that she is suffering from Battered Woman Syndrome, and that she shot her husband because she had a reasonable belief that her life was in imminent danger (Edward had told her that when he awakened that he was going to "kill her and the brats, too,"). She claims she had no choice but to kill him. Elizabeth Campbell had Dr. Chris Nelson, an emergency room physician, testified in her defense that she had been to the hospital on numerous occasions and "that her injuries seemed to have been consistent with having been severely beaten and abused." Pat Bergen, Ph. D., an expert on Battered Woman Syndrome, also testified in Elizabeth Campbell's defense and she stated that she did suffer from this syndrome which makes women feel dependent upon their husbands and makes them feel that

they cannot escape.

The State of West Virginia has accused the defendant, Elizabeth Campbell, of first degree murder. Sandy Clark, Elizabeth's sister, testified against her and was one of the State's key witnesses because she said that she never knew of any abuse whatsoever that was supposedly inflicted upon Elizabeth Campbell for six years. In 1996, Elizabeth Campbell left her husband and went to a shelter for abused women and she stayed for only three days and then went back home to her husband. The jury was made up of 9 caucasian males, 2 caucasian females and 1 African American female.

Elizabeth Campbell admits that she shot her husband, but asserts that she acted in self defense. She claims that because of the abuse he had inflicted upon her she is suffering from Battered Woman Syndrome, which occurs in women who have been subjected to long periods of abuse by their husband or boyfriend. It makes them feel as if they are in imminent danger and the only time they can act out is when their abuser is in a state where he cannot defend himself.

The lower court convicted Mrs. Campbell of first degree murder. Mrs. Campbell has appealed to the West Virginia Supreme Court.

APPELLANT'S BRIEF

ARGUMENTS

Argument #1 - Mrs.Campbell did not receive an accurate representation of her peers due to the number of men on the jury.

Mrs.Campbell faced a jury that was composed of 9 male subjects, with there only being 12 jurors. That is a 75% make up of male jurors, who are listening to a case that relates to a man who abused his wife. Statistically history has shown that there is a higher rate of men being the abuser rather than the abused. Therefore, there should be a more equal representation of both men and women on the jury.

Argument #2 - At least half of the jury should be composed of females due to the components of this case.

The jury is made of 3 women, that being 25% compared to 75% of that which is male. Mrs.Campbell suffered from Battered Woman Syndrome, due to this being any issue that occurs to women, more women should be on the jury to relate to Mrs.Campbell's situation.

Argument #3 - Of the members of the jury, half should be of African American ethnicity.

The jury of this case only had 1 African American. In order for this to have been a fair jury it would have needed to be made of 6 African Americans and 6 caucasians. With the jury containing only 1 African American, the African American race was not fairly represented.

Conclusion:

Appellee's Brief

Opening Statement:

Members of the jury, in this case Elizabeth Campbell v.s. State of West Virginia, my partner and I will be representing the State of West Virginia. The appellant Elizabeth Campbell is being placed in the courtroom today for the murder of her husband, Mr. Campbell. Elizabeth Campbell states that she acted in the state of self defense and shouldn't be placed under arrest. As we see throughout the statement of facts listed, Mrs. Elizabeth Campbell provides numerous reasons why she committed the murder of her husband. In the statement of facts it states "Edward had told her when he awakened that he was going to kill her and the brats too", but there is no real evidence of him saying this. This statement will in fact persuade you to believe Mrs. Elizabeth is not guilty and should be living her life instead of being under arrest. According to quora.com it states "It is legal for a person to defend their life in the moment of abuse." Yes the statement of facts does include Mr. Campbell wasn't asleep but that doesn't mean he was in action of abusing Mrs. Campbell. The appellants are going to explain that Mrs. Campbell is innocent, but the information we have proves that Mrs. Elizabeth put the kids in a room, went to shoot her husband, her husband seeing her put the kids in the room with the gun in her hand, her husband then moving up the stairs to see what she has done, leading her to shoot her husband, making her guilty.

Argument 1:

Mrs. Elizabeth states that she has been abused by her husband and suffers from Battered Woman Syndrome. This syndrome is caused by an abusive partner in the relationship. This syndrome could possibly be the reason why she was still with her husband, although in the statement of facts it says that she has left before to go to a shelter. So if she has already left before then how serious is her condition. She could've easily searched for help from this abuse, but instead she went back to her husband. She was at the shelter for three days, and during those days she had so many opportunities to get help from the people in the shelter and even the police. Yes she was probably scared but being a mom she should've thought about her kids and the dangers that they are in and not think about how mad her husband gets, meaning she should have not killed her husband for her children, they should have gone to family therapy. This states how early Mrs. Elizabeth could have gone and got help for her and her children.

Argument 2:

In this case, Mrs. Elizabeth says that no one had known about the abuse other than her children because they were also a victim of Mrs. Elizabeth's husband. In the statement of facts it says that she talked to her sister on the phone and that her and her sister were close. Her sister also states that she had never known about any of the abuse. This is strange because if she was so close to her sister, her sister should have known or Mrs. Elizabeth is fabricating a lie. In the statement of facts it also says when the detective asks other children and questions what happened in the home she didn't answer much. This also explains how she could be putting on more than it actually is. This explains how she could be being dramatic so she could commit the murder of her husband.

Argument 3:

Mrs. Elizabeth claims that the reason why she committed to killing her husband is that she was being abused. In the statement of facts also say that she has gone to the doctor for the injuries that had occured. So having Mrs. Elizabeth being abused she has gotten out and still came back. Mrs Elizabeth makes a lot of excuses about her husband. When the detectives ask if the kids were Mrs. Elizabth was her, her sister came in just in and covered her up. So was she really being abused or just getting in arguments and wanting to kill her husband.

Closing Statement:

Breaking down this case argument, by argument with the evidence of Mrs. Campbell being guilty, the State of West Virginia decided on the proper resolution to this case. Two additional symptoms of battered woman syndrome are flashbacks and high blood pressure. Mrs. Campbell could have had a flashback causing her blood pressure to rise leading her to have a break out episode leading her to the decision on killing her husband. Do you ever question if she has the ability to kill her husband, what might she do to her kids? In the end my partner and I both agree that the choice made for Mrs. Campbell is the most efficient and safest decision made. Mrs. Campbell can now get the help mentally and physically she needs, and her neighbors and kids can go on with their lives without having to worry and call the police 24/7. My partner and I would like to thank you for your time and consideration.

Respectfully submitted

Rylie Surface

Rylie Surface
Attorney for the Appellee

Emma Mann

Emma Mann
Attorney for the Appellee

WV YOUTH IN GOVERNMENT 2024

CASE #5

City of Clendenin v Evans

City of Clendenin v. Evans

STATEMENT OF FACTS

The evidence presented during the jury trial of this matter gives rise to the following facts. During the early evening hours of November 8, 2014, defendant Evans was driving his automobile through the streets of Clendenin, West Virginia. Officer Julie Free, of the Clendenin Police Department [hereinafter "Officer Free"], recognized Evans, believed him to be driving unlawfully on a suspended driver's license, and followed him, in part because of an outstanding warrant for Evans' arrest resulting from his nonappearance in magistrate court. Upon reaching an intersection, Evans failed to stop at a stop sign, and Officer Free, activating the lights and siren on her patrol car, attempted to stop him. Evans continued driving until he reached an alley at which point he vacated his car and hid in another automobile parked nearby.

Several law enforcement officials eventually located Evans in the parked car and requested him to exit the vehicle. While Evans was responding to the officers, they spotted a firearm in the vehicle with Evans and extricated him from the car. Evans struggled with the officers and resisted arrest. As Officer Free was placing him in her patrol car, Evans, who had been forcibly handcuffed, escaped on foot to a friend's home.

The following day, November 9, 2014, the Clendenin Police Department learned that defendant Evans was at a friend's home. When law enforcement officers reached the dwelling, however, they were unable to capture Evans, who had already vacated the premises. Despite a subsequent sighting of Evans and a brief foot pursuit, Evans eluded authorities by escaping into a wooded area.

Later that same day, Clendenin resident Joe Friendly [hereinafter "Mr. Friendly"] discovered Evans in the garage of his home. Mr. Friendly reported the defendant's whereabouts to authorities, who surrounded the premises. Evans then commandeered Mr. Friendly's truck, which was parked in the garage, and fled by crashing through the closed garage door. After driving a short distance, Evans lost control of the vehicle and ran into some shrubbery. He once again fled on foot, but, with the help of a police helicopter, Clendenin police finally captured Evans and placed him under arrest.

A Kanawha County grand jury thereafter returned an eighteen count indictment charging Evans with illegal conduct in connection with his activities of November 8-9, 2014.

During a jury trial of these charges, on May 2-4, 2015, Evans was convicted of fleeing from an officer by any means other than in a vehicle (Counts Three, Fourteen, and Fifteen); obstructing an officer (Counts Four and Thirteen);

carrying a deadly weapon without a license (Count Six); driving on a suspended driver's license (Counts Seven and Sixteen); petit larceny (Count Eight); joyriding (Count Eleven); fleeing from an officer in a vehicle (Count Twelve); and destruction of property (Counts Seventeen and Eighteen).

By order entered July 7, 2015, the circuit court imposed sentences and fines for Evan's convictions: twelve months in the county jail and a $100 fine for each of the three fleeing without a vehicle convictions (Counts Three, Fourteen, and Fifteen); six months in the county jail and a $500 fine for each of the two obstructing convictions (Counts Four and Thirteen); twelve months in the county jail and a $1,000 fine for the unlicensed carrying of a deadly weapon (Count Six); forty-eight hours in the county jail and a $200 fine for each of the two driving on a suspended license convictions (Counts Seven and Sixteen); two months in the county jail and $23 in restitution for the petit larceny of Officer Scott's handcuffs (Count Eight); six months in the county jail for joyriding (Count Eleven); twelve months in the county jail and a $500 fine for fleeing in a vehicle (Count Twelve); and three months in the county jail and a $500 fine for each of the two destruction of property convictions (Counts Seventeen and Eighteen), plus restitution for the property destruction in the amount of $5,690.22.

In its discretion, the circuit court determined that Evan's sentences should run consecutively, resulting in an aggregate term of imprisonment in the Regional jail of seven years, two months, and four days.

From these convictions and sentences, Evans appeals to this Court.

Appellant's Brief

Assignment of Errors

There was an error in this case in the following particulars:

1. The court overcharged Evans.
2. The court added an unfounded, unnecessary charge to Evans' punishment.
3. The court wrongfully charged Evans.

Arguments

Argument #1: The court erred by wrongfully charging Evans. It was said in the statement of facts that Evans was caught carrying a deadly weapon without a license (Count Six). However, he also drove into the alley, left his car, and hid in a different automobile. The deadly weapon was found in the car Evans was hiding in. West Virginia State Code §61-7-3 states that, "carrying a deadly weapon without provisional license or other authorization by persons under twenty-one years of age; is a penalty." However, the weapon was not found on the defendant or in his possession but rather in the car he was hiding in. Therefore, the weapon was not his, so he should not have been charged for possessing the weapon.

Argument #2: Evans was overcharged. It was said in the statement of facts that Evans has two charges for destruction of property. However, evidence was only given for one of the charges. It was stated that Evans commandeered Mr. Friendly's truck and crashed through his garage door. That only covers the destruction of the door. Therefore, the second charge is not needed in this case. Under West Virginia Code §61-11-26, "only non-violent felony convictions may be expunged. An individual may petition the Court five (5) years after the completion of any sentence of incarceration and completion of supervision in the circuit court in the county where the conviction or convictions occurred." Seeing as how the second charge of destruction of property was not violent it must be expunged from his record.

Argument #3: The end charges that Evans was convicted of were too high. WV Code §61-3-30 states, "If any person unlawfully, but not feloniously, takes and carries away, or destroys, injures, or defaces any property, real or personal, of another, he or she is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $500, or confined in the county or regional jail not more than one year, or both fined and imprisoned." Seeing as how Evans was charged with thousands of dollars for the destruction of Mr. Friendly's property, it is believed that the court has punished him

unlawfully. Evans was fined over $5,000 for a charge that is regularly charged as only $500. Therefore, the court has overcharged the defendant for the crime he committed.

Conclusion

In conclusion, Evans should not have been charged as he was. The statement of facts was centered purely around putting Evans in jail, not about prosecuting him lawfully. The lower court system has failed Mr. Evans.

Respectfully Submitted,

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Maggie Conrad

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Brendolynn Williams

Appellee's Brief

Argument #1: Officer Free recognized Evans and knew he had an outstanding warrant for not appearing in court. Additionally, she also knew that he had a suspended driver's license. Penal code section 62-1c-17b states, "For the purposes of this subsection, 'effective notice of the court appearance' means a notice stating the date, time, location, and purpose of the hearing, transmitted to the defendant or defendant's counsel, no fewer than 10-days before the scheduled court appearance. The court may waive the 10-day requirement upon a finding of emergent circumstances." This proves that the subject would have known he was expected in court at least ten days prior to the said hearing. The fact that he chose to skip court means he knew a warrant would be issued for his arrest if he did not show up in court.

Argument #2: Mr. Evans broke into a vehicle in an attempt to hide from the police. Mr.Evans broke into Mr. Friendly's garage of his home. Mr. Friendly reported the defendant's whereabouts to authorities, who surrounded the premises. "West Virginia state code, 17A-8-5, states that any person who, with intent to procure or pass title to a vehicle that he knows or has reason to believe has been stolen or unlawfully taken, receives, or transfers possession of the same from or to another, or who has in his possession any vehicle which he knows or has reason to believe has been stolen or unlawfully taken, and who is not an officer of the law engaged at the time in the performance of his duty as such officer, is guilty of a felony." This would prove that he should have been charged with two counts of grand theft auto, given that he went joyriding in one vehicle and was hiding out in another.

Argument #3: The suspect was signaled to pull over and chose to run from the police. He then broke into another vehicle and tried to hide from the police. Then he was able to break free from the police and lead the police on a foot pursuit. Then the suspect broke into someone's home,

stole a person's car, and fled from the police until he crashed into a bush. WV State Code 61-5-17 (d) states that, “A person who intentionally flees or attempts to flee by any means other than the use of a vehicle from a law-enforcement officer … acting in his or her official capacity who is attempting to make a lawful arrest of … the person, and who knows or reasonably believes that the officer is attempting to arrest … him or her, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $50 nor more than $500 or confined in jail not more than one year, or both fined and confined.” Since the suspect ventured to flee from officers multiple times, the fines should be increased due to the level of his attempt to escape.

Conclusion: In conclusion, Mr. Evans should go to prison for three accounts of fleeing without a vehicle, two accounts of obstructing justice, two accounts of driving on a suspended license, petit larceny, joyriding, fleeing in a vehicle, and two accounts of destruction of property. Additionally, Mr. Evans should pay restitution for destruction of property in the amount of $5,690.22.

Respectfully submitted,

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Carol Russell

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Lincoln Amos

WV YOUTH IN GOVERNMENT 2024

CASE #6

KKK V WV Department of Administration

General Services Division

BRIEF
THE MODEL SUPREME COURT OF THE STATE OF WEST VIRGINIA

Knights of the Ku Klux Klan vs. WV Department of Administration General Services Division

Prosecution (Appellant)

Kollin Hatfield

Attorneys for the Appellate

Defendant (Appellee)

Catherine Milliman

Attorneys for the Appellee

APPELLEE'S BRIEF

Argument #1 - The WV Department of Administration General Services Division did not violate the Establishment Clause of the United States Constitution

There was no error made in the case of Knights of the Ku Klux Klan v. WV Department of Administration General Services Division. In December of 2016, the Knights of the Ku Klux Klan brought a lawsuit against the WV Department of Administration General Services Division pertaining to erecting a Latin cross in front of the West Virginia Capitol during the Christmas season between December 8, 2016 and December 24, 2016. The first version of this lawsuit reasoning behind why the Knights of the Ku Klux Klan wanted to erect the Latin Cross was to erect "a symbol for our Lord Jesus Christ" and to give the purpose of "establishing a Christian government in America." On November 18, 2016 the WV Department of Administration - General Services Division, which authorizes the law to regulate what can be displayed on the Capitol Complex, declined the permit based on how it was an attended display on the Capitol Complex during December of 2016. On December 9, 2016 the Respondents filed another appeal explaining how the Latin cross was a "cultural significance extending well beyond the religious sphere." Though the Latin cross is usually used to further the Christianity religion which made the permit declined again and was held to violate the Establishment Clause. Except the Latin cross can be used as a holiday ornament that is displayed in front of the capital like the christmas tree or the menorah that is displayed in front of the Capitol building every Christmas. The permit also never included the fact that only a Latin cross could be erected. This means that the permit is not excluding any religion from erecting their own religious symbols during the Christmas season in front of the Capitol Complex.

Argument #2 - The WV Department of Administration General Services Division violated the Knights of the KU Klux Klan's first amendment right

The WV Department of Administration General Services Division broke the first amendment against the Ku Klux Klan by not allowing the Ku Klux Klan to receive a permit to erect the Latin Cross in front of the West Virginia Capitol Complex. The reasoning behind erecting the Latin cross was to decorate the Capitol Complex with Christmas decorations like the Christmas tree and menorah that is erected every year for the Christmas season on the Capitol Complex. The West Virginia of Administration General Services Division disregarded the first amendment with the Knights of the Ku Klux Klan erecting a cross because the first amendment says "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances," which says that the government cannot establish a religion but the people can express whatever religion they desire. Based on this, the West Virginia Department of Administration General Services Division is not letting the Knights of the Ku Klux Klan express their freedom of religion which is breaking the first amendment in the United States Constitution.

Argument #3 - The Petitioners have an obligation to erect more Latin crosses if an event were to occur that ended in the destruction of the Latin crosses

On December 21, 2016, the court approved a permit for the Respondents to erect a Latin cross in the Capitol Complex and it was kept on display until the next day where the cross was vandalized. There was then another petition on December 22, 2016 where a group of Christian ministers wanted to erect twenty more Latin crosses in front of the Capitol Complex. The ministers felt they had an obligation to have the government erect more crosses based on the District Court's ruling. Based on the District Court's were they granted the permit for the Respondents to display the Latin cross through December 24, 2016, since the Latin cross falls under holiday decoration like the Christmas trees and menorahs. Then, based on how the permit was initiated, there was an obligation for more Latin crosses to be erected around the Capitol Complex when the first cross was apparently vandalized.

CONCLUSION

In the case of Knights of the Ku Klux Klan v. WV Department of Administration General Services Division, the West Virginia Capitol did not break the Establishment Clause of prohibiting the government from establishing a religion. The Knights of the Ku Klux Klan first reasoning did break the Establishment Clause, but in the revision of reasoning behind how the Latin cross is a proper term for a cross where the base stem is longer than the three other arms, did not break the Establishment Clause. The permit though did not specify that only just a Latin cross can be erected in the Capitol Complex with the Christmas tree and menorah and allows that any religion can erect a religious symbol of their own that does not make the government show favoritism to one religion over another. The court was correct in the original ruling in the case of Knights of the Ku Klux Klan v. WV Department of Administration General Services Division that the erection of the Latin cross in the Capitol Complex does not break the Establishment Clause.

Appellants Brief

Argument #1- The District Court Erred in Granting the Permanent Injunction

The District Court's decision to grant a permanent injunction ordering the approval of the permit for the cross display was erroneous. The injunction disregarded the constitutional concerns regarding the establishment of religion and failed to consider the precedents set forth in relevant decisions.

Argument #2- The Denial of the Permit Constituted a Constitutional Exercise of Governmental Authority

The denial of the permit was a constitutionally valid exercise of governmental authority. The State has a compelling interest in upholding the Establishment Clause and avoiding the endorsement of religion. Permitting the display of a large Latin cross on government property, particularly directly in front of the state capitol, would constitute an impermissible endorsement of Christianity by the government.

Argument #3- The Latin Cross Has a Purely Religious Significance

Unlike other seasonal symbols permitted on the Capitol Complex, such as the Christmas tree and menorah, the Latin cross has a purely sectarian purpose. Its display would not merely represent a cultural or secular aspect of the holiday season but would unmistakably promote Christianity. Therefore, the denial of the permit was justified in light of the Establishment Clause's prohibition against government endorsement of religion.

CONCLUSION

The denial of the permit for the display of a large Latin cross on government property was a constitutionally sound decision aimed at upholding the principles of religious neutrality and preventing the establishment of religion. The District Court's grant of a permanent injunction was erroneous and should be overturned by this Supreme Court of Appeals of West Virginia.

WV YOUTH IN GOVERNMENT 2024

CASE #7

Matthew Price v McDowell County Board of Education

THE MODEL SUPREME COURT OF THE STATE OF WEST VIRGINIA

MATTHEW PRICE Defendant (Appellant)	v.	McDOWELL COUNTY BOARD OF EDUCATION Prosecution (Appellee)

Peyton Trippett Attorney for the Appellant	Kerstyn Clendenen Attorney for the Appellee

PRICE v. McDOWELL CO. BOARD OF EDUCATION

STATEMENT OF FACTS

The superintendent of the McDowell County Board of Education was disturbed by the level of fear that was present in her schools. She noted that the fear was an obvious result of the recent violence in America's schools. In an effort to curb fear and prevent her schools from becoming the site of violence the administrator proposed this rule:

Any student who participates, actively, verbally or in writing, in any unsuitable behavior that incites violence, threatens violence, or alludes to violence is subject to punishment by the school's principal. The punishment will be reflective of the level of action, or threat that is engaged in by a student.

In February of 2019 a senior at Meadowlark High School in Welch named Matthew Price posted a creative writing story on his personal web site. The task was completed on Matthew's home computer. The plot of the story centered around a shooting at a high school. The setting and contents of the story are strikingly similar to Meadowlark High School. Characters in the story are easily identified as actual students and faculty at the school. The main character, that is the shooter, is very obviously Matthew Price himself.

A concerned faculty member logged onto Matthew's site after hearing the discussions between the students about the site. The teacher, Mr. James Lowery then notified the Principal Anthony Simms about the site. Later that day Matthew was pulled out of class and suspended until further notice. After a ten day suspension, under the justification of not taking school violence lightly, McDowell County Board of Education expelled Matthew from School permanently. Matthew's fellow students were outraged by the action taken by the Board and since Matthew's suspension have been protesting the expulsion. They argue that the story was a creative writing piece meant to shed light on the fear present in America's schools. The story was also intended to show the point of view of the shooter and hope that would educate parents, teachers and classmates about what it would be like to know this person and how they could be identified. Matthew put a great deal of research into his essay and believed it to be his finest work. Matthew's future plans include attending the State University on a scholarship for creative writing.

Matthew's parents who have strong ties to the ACLU brought suit against the Board claiming they had violated Matthew Prices right to freedom of speech and expression. The Board presented a case at the local level that contended that the story rose to the level of presenting a danger in the school. They claimed it activated exceptions to the freedom of speech that allowed it to be censored and Matthew to be sanctioned for his participation in the threatening behavior.

The suit was settled in favor of McDowell County Board of Education at the local level. The judge argued that the Board has an obligation to the safety

of the student body and that overrides the right to free speech. Matthew Price, represented by the ACLU does not agree with the decision by the lower court judge, and the ACLU has opted for appeal at the State Supreme Court level.

ISSUES

1. Were Matthew Price's First Amendment rights violated?

APPELLANT'S BRIEF

ASSIGNMENT OF ERRORS

There was an error in the trial court in the following particulars:

The judge erred in determining that Price had true intent to cause harm.

The judge wrongfully argued the school board had an obligation for the safety of the student body that overrides Price's free speech.

ARGUMENTS

Argument #1 - The judge erred in determining that Price had true intent to cause harm.

Mr. Matthew Price never made a direct threat or implied threat to his fellow students. Matthew Price researched to shed light on the terror caused by school shootings. He only wrote a creative story as a tool to build his writing. Matthew Price wanted to help inform others on the way to identify a school shooter in his story to help recognize a shooter, therefore there was no understanding this could construe as a threat to others. Matthew Price's classmates, who were supposedly characters in the story, even showed anger at Price's expulsion. The McDowell County Board of Education claimed he made "true threats" but Price never intended to cause harm. The case, Counterman v. Colorado 600 US_(2023) supports the fact that Price did not understand the "true threats" he made. The case, Virginia v. Black 538 US 343 (2003) supports the fact that a "true threat" where the speaker expresses intent explicitly causes immediate harm is prohibited. The threats Matthew Price made were not defined as harmful and never targeted any individual as he never mentioned real names in his creative writing story.

Argument #2 - The judge wrongfully argued the school board had an obligation for the safety of the student body that overrides Price's free speech.

The McDowell County Board of Education felt the necessity to override Matthew Price's free speech to protect the safety of the students. Freedom of speech rights should not be infringed on, even if one believes it is better for the safety of the public unless it can be proven there was true intent. The case, Tinker v Des Moines Independent Community School District 393 US 503 (1969) supports that students should not lose their first amendment rights just because they are in a school setting. The McDowell County Board of Education assumed Matthew Price was a threat, with no evidence of Matthew Price being a true threat to his fellow students. There are exceptions to the First Amendment rights, such as incitement, defamation, fraud, child pornography, obscenity, and true threats Matthew Price's free speech rights were broken as he made no exceptions to the First Amendment.

CONCLUSION

Matthew Price never had any intent to cause true harm to anyone. He wrote a creative writing story to shed light on the fear present in schools. Matthew Price was not aware of the possible threats being made. The McDowell County Board of Education had no right to claim Price caused a danger to the other students' safety. The lower court's decision should be overturned.

Respectfully submitted,

Peyton Trippett

Attorney for the Appellant

APPELLEE'S BRIEF

ARGUMENTS

Argument#1- Matthew Price broke the school's rule by writing a story that alluded to violence.

"Any student who participates, actively, verbally or in writing, in any unsuitable behavior that incites violence, threatens violence, or alludes to violence is subject to punishment by the school's principal. The punishment will be reflective of the level of action, or threat that is engaged in by a student." This is the rule that the Principal implemented because she was concerned for her students safety. Because Matthew's story alluded to violence, a rule was broken. This school rule said that consequences would ensue if it were broken.

Writing a story to educate people on school shooters is one thing. It is another thing when it is clear that the characters are based off of real people, in a real school, and the kid writing it has made himself the shooter. This not only alludes to violence, it makes it seem like Matthew Price was outlining a plan he wanted to execute. This would make anyone nervous.

There is an explicit school rule that prohibits this type of writing. Matthew broke this rule and was punished accordingly.

Argument #2- Matthew Price was no longer protected by the First Amendment when his writing pointed to imminent lawless action.

According to Schenck v. United States, the first amendment does not protect speech that creates a clear and present danger. Matthew wrote a story where he himself was the shooter in his very own school. For all the school new, this was actually a plan, not just a means of education.

Matthew Price's story also meets both requirements of the Brandenburg Test from Brandenburg v. Ohio. His story both pointed to and could have produced lawless action. Matthew could have written an educational story about school shootings without making himself the shooter. He did though and this points to violence. This story could have been a plan from Matthew to commit these acts or inspired another student who read the story. Matthew CHOSE to make himself the shooter in his story. This was not necessary. It was unneeded and harmful.

By meeting these requirements, Matthew Price was no longer protected by the First Amendment.

Argument #3- The McDowell Board of Education and local level court was just following the rules.

By not suspending him, the Board of Education would not have been following policy. This is the same for the local court the case was settled in originally. If a threat is made against a group of kids, action needs to be taken to protect them. Action was taken and it was all settled.

Both groups have jobs to do and people to protect. If they had not done anything in this case, they would not have been doing their jobs.

CONCLUSION

The lower court's ruling was correct. Matthew Price broke a school rule. No matter his intentions, there were consequences to his actions. Even if there had not been a school rule, Matthew Price was not protected under the First Amendment. His words alluded to danger, which was against the rules. Keeping Matthew and his fellow students safe was the number one priority.

Respectfully Submitted,

Kerstyn Clendenen

Attorney for the Appellee

WV YOUTH IN GOVERNMENT 2024

CASE #8

John Newhouse & Anthony Bishop v Calvin Myles

THE MODEL SUPREME COURT OF THE STATE OF WEST VIRGINIA

John Newhouse & Anthony Bishop	vs	Calvin Myles
Prosecution (Appellant)		Defendant (Appellee)

Tripp McMillion

Lainey Taylor

Attorneys for the Appellant

Lilly StClair

Makenzi Laws

Attorneys for the Appellee

Statement of Facts

The city of Davis is a growing community that houses many businesses and enjoys strong community involvement. Among the business owners in the community, there is a real estate owner, John Newhouse. He owns a great deal of homes, apartments and land in the city and is a prominent figure. Another entrepreneur is Calvin Myles. He owns an assortment of restaurants in the area. These two men have occasion to meet in the business arena. On May 9, 1999, the two men met to discuss a business deal where Mr. Myles wanted to purchase a section of houses and vacant land to build a movie theater. This was a new venture for Mr. Myles, and he was hopeful about the prospects. Mr. Newhouse met with Mr. Myles and claimed that the land he was considering was not zoned for such purposes and that the prospect of a movie theater in town was slim because the city council was not comfortable with the idea, and they handled the zoning.

One month later in June, Mr. Myles learned that Mr. Newhouse was a very close friend of the chairman of the zoning commission of city counsel, Anthony Bishop. The land Mr. Myles desired was in fact zoned strictly for residential. However, on June 11, Mr. Myles was notified of a motion on the floor of the zoning commission to re-zone that land for commercial purposes. He attended the meeting and land was re-zoned opening the opportunity for the construction of a movie theater. Mr. Myles approached Mr. Newhouse after the meeting to determine if his proposal could be reconsidered. Mr. Newhouse then notified him that construction of a movie theater was already in the process under the funding of Mr. Newhouse. Mr. Myles was furious. - Mr. Myles felt that he was wronged by the nepotism of the zoning commissioner, Mr. Bishop, and by Mr. Newhouse's choice to follow through with the plans that were laid by Mr. Myles.

On August 1st as construction began Mr. Myles placed several ads in the local newspaper. He intended to make public the wrongs done to him. The tone of the ads was somewhat malicious, although they contained no known false information. The integrity of both men was questioned, and the details of their business decisions were laid out. Several times Mr. Myles attacked their private lives as well. There was a significant reaction by the town; Mr. Newhouse noticed business dwindling and Mr. Bishop saw a lowering of his approval ratings. In reaction to the ads Mr. Newhouse and Mr. Bishop sought suit in the court system. They contended that the ads rose to the level of defamation of character and were not protected by the First Amendment right to free speech. The suit was settled in favor of Mr. Myles at the local level. The judge cited that Mr. Myles right to Free Speech outweighed their claim. Further that Mr. Newhouse as a prominent business owner and Mr. Bishop holding office in the town allowed them to be considered public figures that are subject to public scrutiny.

APPELLEE'S BRIEF

ARGUMENTS

Argument #1 - Mr. Myles has his first amendment right to freedom of speech and his actions caused no physical harm nor did it endanger anyone involved.

The First Amendment to the United States Constitution guarantees the right to freedom of speech, which includes the right to express opinions, beliefs, and ideas without government interference or restriction. This means that individuals have the right to express themselves through speech, writing, art, and other forms of expression, even if their views are unpopular or controversial. Mr. Myles has done just that - expressed himself and how he viewed the actions that had taken place as wrong and unfair.

Argument #2 - Mr. Myles' statements, which were alleged to be defamatory, were in fact based on verifiable and accurate information.

Mr Myles' statements, which were alleged to be defamatory, were in fact truthful and accurate. The fact that the information was true negates any claim of malice, as the spreading of accurate information does not constitute defamation, even if it may have been unflattering or harmful to the reputation of Mr. Newhouse and Mr. Bishop. The truth of the statements is a complete defense against any claim of defamation, and therefore Mr. Myles' statements were not defamatory.

Argument #3 - Mr. Myles' actions were not retaliatory.

Mr. Myles' actions were not retaliatory, but rather a necessary response to bring attention to the wrongdoing he witnessed. The information he shared was accurate and not intended to harm Mr. Newhouse and Mr. Bishop's reputations, but to shed light on their actions. The fact that their reputations were damaged does not automatically equate to defamation. Mr. Myles had a duty to report the truth, and his actions were taken in good faith with the intention of promoting accountability and transparency. The harm to their reputation is a consequence of their own actions, not Mr. Myles' truthful reporting.

Conclusion -

In conclusion, Mr. Myle's actions were a justifiable exercise of his First Amendment right to free speech. His statements were grounded in verifiable and accurate information, causing no physical harm or danger to anyone involved. The absence of retaliatory intent further supports the protection of his speech. We urge the court to uphold the principles of free expression and dismiss the claims against Mr. Myles, ensuring that individuals can continue to speak truth to power without the fear of reprisal. Thank you for your time and consideration.

Appellant Brief

Error #1: The court failed to recognize that Mr. Myles' actions can be classified as tort

In the lower court, the possibility of Myles' actions being tort was not recognized. According to Cornell Law School, a tort is defined as "an act or omission that gives rise to injury or harm to another and amounts to a civil wrong for which courts impose liability" Mr. Myles' ads resulted in significant loss to both Newhouse's and Bishop's business.

Error #2: The court failed to recognize Mr. Myles' invasion of privacy

As stated in the statement of facts, several of Mr. Myles' newspaper ads attacked both men's private lives. This could be classified as invasion of privacy, which is, in turn, a violation of their fundamental rights.

Error #3: The court failed to recognize

WV YOUTH IN GOVERNMENT 2024

CASE #9

State v Smithers

The Model Supreme Court of
The State of West Virginia

State	vs.	Smithers
Defendant (Appellee)		Prosecution (Appellant)
Danni Dunbar		Shyann Hurst
Kristofer Halstead		Lylla Shorter
Attorneys for the Appellee		Attorneys for the Appellant

STATEMENT OF FACTS

In 2013, officers on the Putnam County Drug Task Force were conducting a major drug investigation in the metro-Charleston area. After arresting a medium-level drug dealer, that dealer named Chip Smithers, a resident of Charleston, West Virginia, as the kingpin of this particular drug distribution network. The officers also searched the dealer's phone records and found multiple calls per day to a telephone number belonging to Chip Smithers.

On October 10, 2017, officers located Smithers's car in a Wal-Mart parking lot. The officers placed a GPS tracker on the underside of Smithers's car. This GPS tracker would periodically "ping" a satellite and report its position, so that the officers could see where the car was every 15 minutes or so. The officers left the tracker on Smithers's car for three months.

During this period, the officers learned that Smithers would drive once a week to a piece of property nearby that would otherwise appear to be large, empty pieces of property. He would stay for 30 minutes or so, then return home. Then, shortly after that, he would drive to a rest area on the interstate about twenty miles away, stay for 30 minutes, then return home.

Believing that Smithers was using the property as a storage location for drugs and money, and that he was meeting a contact at the rest area after dropping off drugs and picking up money, the officers obtained a search warrant for the property. They discovered large amounts of cocaine, heroin, and marijuana in a shed on the property that Smithers would visit. Using that information and evidence, along with other evidence obtained during their investigation, the officers obtained an arrest warrant for Smithers and served it on him on January 23, 2014. A search of his person and home (pursuant to a search warrant) revealed guns and $172,000 in cash.

Smithers was charged in the trial court with several drug and weapons offenses. He moved to suppress all the physical evidence, arguing that the officers' placing the GPS unit on his car for three months violated his Fourth Amendment rights, and it was this information that led the officers to all of the other evidence.

The trial court denied Smithers's motion to suppress, and the jury convicted him on all counts. Smithers now appeals to the Supreme Court of Appeals of West Virginia.

APPELLEE'S BRIEF

ARGUMENTS

Argument #1- Mr. Smithers is a medium-level drug dealer.

Mr. Smithers was in possession and a distributor of illegal substances, such as cocaine, heroin, and marijuana. To store the drugs he would distribute and the money he would make, Smithers put them in a shed on large pieces of empty property. He would go to the property, drive to the rest area to distribute the illegal substances, then return home.

Argument #2- Officers placed the GPS on Smithers car after they previously arrested him.

The Putnam County Drug Task Force conducted a major drug investigation in the metro-Charleston area in 2013. That is when they arrested Chip Smithers. The officers then located his car at a Wal-mart parking lot on October 10, 2017. That is when the officers placed the GPS tracker on the underside of Smithers car.

Argument #3- The officers obtained the search warrants.

The tracker allowed the officers to believe that Smithers was using the pieces of property as storage for the money and drugs which then allowed them to obtain search warrants. Using these search warrants the officers were able to uncover evidence and more information that led them to be able to obtain an arrest warrant for Smithers and served it to him on January 23, 2018.

The model supreme court of the state of west virginia

State	vs	smither
Defendant (appellee)		prosecution (appellant)
Danni Dumbar		Lylla Shorter
Kristofer Halsted		Shyann Hurst
Attorneys for the appellant		attorney for the appellee

Statement of facts

Mr.smithers believes that his 4th admented rights were violated by the officers on the Putnam county drug task force.Mr.Smither carries and has been accused of disturbing illegal substances throughout Putnam county. On October 10th, 2017 the officers of Putnam county attached a GPS device to the underside of Mr. Smithers car for three months. The GPS would ping every 15 minutes or so. The officers had reason to believe that Mr.smither is using a storage location for drugs and money. Then smither was suspected of meeting his clients at a rest area that was 20 miles away from the storage unit . The Putnam county officers had obtained a search warrant for the property of Mr.smithers. They discovered large amounts of cocaine,heroin, and marijuana in a shed on the property that smithers would visit . The officers obtained an arrest warrant for smithers and served it on him on January 23,2014. A search of his personal and home (pursuant to a search warrant) revealed guns and $172,000 in cash. Smither was charged in the trial court with several drug and weapons offenses. Mr.smithers moved to suppress all the physical evidence. Smithers argues that the officers placing the GPS unit on the underside of his car for three months violated his fourth amendment rights. Mr.smither was charged in trial court with several drug and weapon offenese.He was moved to suppress all the physical evidence , arguing against the officers placing the GPS on to his car for three months without Mr.smither

knowledge of the unit on his car. Mr.smither now appeals to the supreme court of West Virginia.

Appellate argument

Argument #1 Mr Smither 4th amendment right was violated by the putnam county drug task forces

The Putnam county drug task force violated Mr.smither 4th amendment right by placing a GPS unit on to the underside of his car . The 4th amendment right protects people from unreasonable searches and seizures by the government. The Putnam county drug task force placed the GPS unit to the underside smithers car for three months without the knowledge of mr.smithers .

Argument #2 Mr smither has the right to appeals to the supreme court

Mr.smither has now appealed to the supreme court for his fourth amendment right.Mr.smithers feels violated by the putnam county drug task force for his privacy. Mr.smither privacy has

been invaded by the task forces due to the fact that they failed to show him a warrant for the GPS for his personal property. So therefore Mr. Smither has the right to appeal to the supreme court for his 4th amendment.

conclusion

Your honors , after listening to our argument centered around to the freedom to have your 4th admeneted right violated by the putnam county officers. We would like to ask each of you some questions.at what point does a police forces get to violated your 4th admented right ? Why would you invade someones personally property due to suspicion? Who would want to ruin a man trust in the police force with placing something on his car without any knowledge.

Thank you for your time and consideration.

WV YOUTH IN GOVERNMENT 2024

CASE #10

Wheeling City Commission v Devon Jackson

THE MODEL WEST VIRGINIA SUPREME COURT OF APPEALS

Wheeling City Commission	vs.	Devon Jackson
Prosecution (Appellant)		Defendant (Appellee)

Cameron McCord
Brodie Baker
Attorneys for the Appellant

Lila Roman
Emily Suarez
Attorneys for the Appellee

STATEMENT OF FACTS

On or about February 28, 2014 the defendant Devon Jackson, a local businessman and community activist, was arrested while attending a Wheeling City Commission meeting. Jackson was charged with two counts of criminal trespass, one count of disturbing a lawful meeting, and one count of unlawful conduct at a Commission meeting. Jackson pled not guilty and filed a motion to dismiss the charges claiming that his arrest had violated his First Amendment right to freedom of expression. The trial court conducted a hearing on the motion at which the following evidence was presented. Jackson attended Commission meetings regularly, sat in the same place at each meeting, and frequently spoke when public comment was invited. As a result, Wheeling Mayor Max Holmes ("the mayor") and the other Commissioners were familiar with Jackson. Jackson was often critical of the Commission's actions.

The Commission meetings typically followed a set format. First, the Commission addressed several agenda items concerning administrative and legislative matters. Next, the Commission allowed for public comment on the administrative and legislative matters before voting. Following the period of public comment, the Commission voted and addressed other business issues. Toward the end of the meeting, the Commission allowed for another period of public comment, which was followed with comments by the City Manager and the Commissioners. During the second period of public comment, citizens could share their views on any matter of concern to them, whether or not it was on the Commission's agenda for that meeting.

The Commission held meetings on February 26 and February 28, 2014, and Jackson attended both meetings. During February 26 meeting, Commission staff members submitted a list of proposals that, if adopted, would have curtailed citizen participation at Commission meetings. Jackson objected to these proposals and according to the mayor, the proposals were not well received by the Commission. No action was taken on the proposals at that time, and they were not placed on the agenda for the February 28 meeting.

On February 28, Jackson entered the commission meeting and sat in his usual seat. He was not wearing anything on his head at that time. Shortly after the meeting started, Jackson placed a black ninja mask over his head. The mask was similar to a ski mask except that it had one large hole for the eyes.

According to witnesses, Jackson made no physical gestures, noises, or other commotion after he had put on the mask. Several people who regularly attended the Commission meetings assumed that the mask man was Jackson and did not feel threatened by him. However one woman who had accompanied her fourteen-year-old daughter on a class trip stated that she was initially startled by Jackson's strange conduct and was concerned for her daughter's safety. Several of the students in the group began laughing upon seeing Jackson. Others either had not noticed Jackson or did not feel threatened by him. The police officers present at the meeting initially took no action in response to Jackson's conduct. The mayor apparently noticed Jackson's mask as he was introducing the first speaker. Once the speakers' presentation had begun, the mayor summoned Chief Faw, had a brief, whispered conversation with him, and instructed him that Jackson should be told to remove his mask or be removed from the meeting. The speaker paused during this conversation until the mayor indicated that she should continue with her presentation.

Chief Faw approached Jackson and asked him to step outside of the auditorium to discuss his mask. Jackson complied. Once in the corridor, Jackson removed his mask and explained to Faw that he was exercising his constitutional rights. Jackson then reentered the auditorium carrying the mask.

After Jackson had returned to his seat in the front of the auditorium, he quietly donned the mask again. This time, Chief Faw approached Jackson and requested in a whispered voice that Jackson follow him out of the auditorium. Jackson complied. Chief Faw then told Jackson that if he wore the mask in the auditorium again he would be arrested, but that he could return to the auditorium without the mask. Jackson again explained that he was exercising his constitutional rights and that the mayor had no right to prevent him from wearing the mask. Chief Faw returned to the auditorium. A few moments later, Jackson took one or two steps into the auditorium with the mask on his head, and was arrested by the police officers.

Although the speakers testified that they had been aware of some commotion in the audience, the Commission meeting continued without interruption throughout the police officer's exchanges with Jackson.

During the trial, Jackson stated that his conduct of placing the mask over his head was to convey his dissatisfaction with the commission and with a proposal that would have further limited public participation at Commission meetings by banishing the "faces of the public." The city asserted that four governmental interests were served by prohibiting Jackson from wearing a mask during the Commission meeting. These interests were: (1) maintaining decorum; (2) maintaining order and control; (3) afford symbolic ing those scheduled to make presentations the opportunity to exercise their First Amendment rights without distraction or hindrance; and (4) calming apprehension or fear from physical safety which arose or may have arisen by those viewing Jackson's conduct.

Following the hearing, the trial court concluded that Jackson's conduct had been passive, speech with a "capacity to send a coherent political message" and that it was protected by the First Amendment. The trial court also concluded that the city's actions had been motivated by the content of Jackson's statement—his dissatisfaction with the commission--and had served no compelling state interest. Thus, the trial court granted Jackson's motion to dismiss the charges against him.

The case is now before the West Virginia Supreme Court of Appeals.

APPELLANT'S BRIEF

ASSIGNMENT OF ERRORS

There was an error in the trial court in the following particulars:

a) The trial court erred in applying a test for symbolic speech.

b) The trial court erred in failing to recognize the mayor's authority to regulate the conduct of people who attend Commission meetings.

c) The trial court erred in ruling that the Appellee's charges were in violation of his First Amendment rights.

d) The trial court erred in their conclusion that the city's actions had been motivated by Jackson's stated dissatisfaction with the Commission.

ARGUMENTS

Argument #1 – The trial court erred in applying a test for symbolic speech.

When the trial court applied a test for symbolic speech, they neglected to measure the likelihood of the audience understanding the meaning of Jackson Devon's (Appellee) proposed symbol. In regard to this misstep, the court should have investigated further the message of Jackson's mask and how the audience interpreted it to come to a more fully developed verdict, therein Jackson should be pressed with charges due to his negative effect on the sense of public safety.

Although Jackson stated that his mask was meant to convey that the Commission was "banishing the 'faces of the public'", how clear was this message? The answer to this could have been uncovered by thoroughly testing symbolic speech. A good example of a court testing symbolic speech accurately is *State v. Berrill*, 196 W. Va. 578, 474 S.E.2d 508 (W. Va. 1996). In which, "the court sustained a conviction of an anti-mask statute, specifically finding that the concealment of [the appellant's] identity was not protected speech." The court ruled that "Our view that [the appellant's] conduct was more likely to create confusion than convey an understandable message under the circumstances is further supported by testimony presented at trial".

In our case, the trial court should have paid closer attention to the statements of the witnesses at the meeting. Since one woman "stated that she was initially startled by Jackson's strange conduct and was concerned for her daughter's safety." Therefore, the Commission was correct, in their arrest of Jackson, in the interest of "calming apprehension or fear from physical safety which arose or may have arisen by those viewing Jackson's conduct."

Argument #2 – The trial court erred in failing to recognize the mayor's authority to regulate the conduct of people who attend Commission meetings.

The trial court failed to recognize that Jackson had broken W. Va. Code § 61-6-22 which states that "no person, whether in a motor vehicle or otherwise, while wearing any mask, hood or device whereby any portion of the face is so covered as to conceal the identity of the wearer, may:" … "(3) Come into or appear upon or within any of the grounds or buildings owned, leased, maintained or operated by the state or any political subdivision thereof". Due to this misdemeanor, the mayor had authorization to have Jackson arrested.

Argument #3 — The trial court erred in ruling that the Appellee's charges were in violation of his First Amendment rights.

As in the previously stated case, *State v. Berrill*, 196 W. Va. 578, 474 S.E.2d 508 (W. Va. 1996), the court stated, "we note the State's argument that First Amendment rights may not be exercised in a manner destructive of other's rights. In this case, [the appellant] failed to follow the specific procedures established by the Board to allow citizens to address their concerns." With our case, being in similarity, we can confidently state that Jackson's interference in the Commission's meeting and speaker's presentations infringed upon others' First Amendment rights. Therefore, this led to the Commission's arrest of Jackson in the interest of "affording those scheduled to make presentations the opportunity to exercise their First Amendment rights without distraction or hindrance".

Argument #4 – The trial court wrongfully concluded that the city's actions had been motivated by Jackson's stated dissatisfaction with the Commission.

When the trial court concluded "that the city's actions had been motivated by the content of Jackson's statement—his dissatisfaction with the commission—and had served no compelling state interest" they accused the Commission of placing biased charges against Jackson. This accusation, however, was unfounded since no concrete evidence of this was presented and was, therefore, merely an opinion of the court's which should have had no precedence over the final outcome of the trial, where Jackson's charges were dropped.

This is supported by *Adkins v. West Virginia Dept. of Educ*, 210 W. Va. 105, 556 S.E.2d 72 (W. Va. 2001) where they quote Queen, 196 W. Va. 442, 473 S.E.2d 483 (1996) "the `clearly wrong' and the `arbitrary and capricious' standards of review are deferential ones which presume an agency's actions are valid as long as the decision is supported by substantial evidence or by a rational basis." Then the point is continue with a statement from *Martin v. Randolph County Bd. of Educ.*, 195 W. Va. 297, 304, 465 S.E.2d 399, 406 (1995) which says, "[t]he scope of review under the arbitrary and capricious standard is narrow, and a court is not to substitute its judgment for that of the hearing examiner.". The trial court in our case took the place of the jury and dropped charges, on a man who's charges were rightly administered, because they believed the city had been motivated by a desire to remove Jackson. Whereas, in truth, the city's measures had been "supported by substantial evidence or by a rational basis." Therefore, the

trial court's verdict should be overturned due to their negligence in allowing their opinions/assumptions to affect the final court ruling, to drop Jackson's charges.

CONCLUSION

In summary the judgements of the Wheeling City Commission should be upheld, the trial court's ruling should be overturned. This is due to clear negligence and a failure to recognize mayoral authority. Mr. Jackson was disrupting a meeting which was legally allowed to remove him. In addition to this, the trial court made several errors, such as neglecting to mention the meaning of Mr. Jackson's proposed symbol, and forgetting to protect the First Amendment rights of others at the meeting. Mr. Jackson was in violation of several codes and regulations that all contribute to supporting the commission's decision to arrest him.

Based on the foregoing agreements, the decision of the trial court should be overturned.

Respectfully submitted,

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Cameron McCord

_____

Brodie Baker

Attorneys for the Appellant

Arguments

Argument #1: The trial court did not commit prejudicial error by applying a test for symbolic speech, which did not require the appellee (Jackson) to establish the particularized message of his alleged symbol or great likelihood of understanding of the particularized message by the audience.

The trial court's application of a test for symbolic speech, which did not necessitate Devon Jackson to establish the particularized message of his alleged symbol or the great likelihood of understanding of the particularized message by the audience, did not constitute prejudicial error. Jackson's consistent message by the audience, did not constitute prejudicial error. Jackson's consistent attendance at Commission meetings, his engagement during public comment periods, and his known criticism of the Commission's actions underscored a pattern of expressive behavior well-known to the Commission and attendees. His act of wearing a black ninja mask, although unconventional, was situated within the content of his message was not unfairly weighed against a stringent understanding test but rather evaluated within the broader scope of free speech principles. Therefore, the trial court's dismissal of the charges against Jackson reflects a judicious application of constitutional principles and warrants affirmation by the West Virginia Supreme Court of Appeals.

Argument #2: The trial court did not commit prejudicial error by failing to recognize the mayor's authority to regulate the conduct of people who attend Commission meetings in order to advance a substantial government interest.

In the case at hand, the trial court did not commit prejudicial error by failing to recognize the mayor's authority to regulate the conduct of people who attend Commission meetings in order to

advance a substantial government interest. The trial court meticulously evaluated the circumstances surrounding Devon Jackson's arrest, considering his consistent participation in Commission meetings and the symbolic nature of his expression. Despite the city's assertion of four governmental interests, the trial court concluded that Jackson's conduct constituted passive, symbolic speech protected by the First Amendment. By focusing on the content of Jackson's message and the absence of compelling state interests, the trial court's decision to dismiss the charges against Jackson reflects a judicial application of legal principles and should be upheld by the West Virginia Supreme Court of Appeals.

Conclusion

The trial court's rulings regarding Devon Jackson's case demonstrate a careful and balanced consideration of constitutional rights and governmental interests. By affirming Jackson's right to engage in symbolic speech and scrutinizing the limits of regulatory authority over public conduct, the trial court upheld fundamental principles of freedom of expression. The decisions reflect a commitment to safeguarding individual liberties while ensuring the orderly conduct of public affairs.

Respectfully submitted,

Lila Roman and Emily Suarez

Attorneys for the Appellee

WV YOUTH IN GOVERNMENT 2024

CASE #11

State of West Virginia v Jeffrey L. Chandler

THE MODEL SUPREME COURT OF THE STATE OF WEST VIRGINIA

State of West Virginia Prosecution (Appellant)	vs.	Jeffrey L. Chandler Defendant (Appellee)

Joan Wilkerson Kylee Johnson	Alexis Wuchner
Attorneys for the Appellant	*Attorney for the Appellee*

STATEMENT OF FACTS

The Appellee, Jeffrey L Chandler, (Mr. Chandler), is a well-known criminal defense attorney. He frequently defends accused people in high-profile criminal cases. On the evening of May 22, 2007, Mr. Chandler and his wife hosted an outdoor party at their home for friends and family to celebrate their daughter's admission to Harvard. The party began at 7:00 P.M. They served finger foods. They also served beer and wine for adults and sodas for underage guests. All beverages were served from ice tubs. Mr. and Mrs. Chandler recruited a family friend to monitor the tubs and ensure that no underage guests consumed alcoholic beverages. Mr. and Mrs. Chandler also hired a local musical group to perform during the evening. The three-person band played amplified guitars and keyboard from 7:15 P.M. to 10:00 P.M. with fifteen-minute breaks at 8:00 P.M. and 9:00 P.M. Mr. Chandler instructed the band to stop playing promptly at 10:00 P.M. to comply with the city noise ordinance.

At approximately 10:05 P.M., the city police dispatcher received a complaint about a loud party in the vicinity of the Chandler's home. The police dispatcher received a similar complaint five minutes later. At 10:30 P.M., the police dispatcher referred the complaints to the city police officers M.L. Jones (Officer Jones) and M.G. Smith (Officer Smith). Officer Jones and Smith arrived at the Chandler's home at 10:40 P.M.

The road leading to the Chandler's driveway is marked "private road" with two speed bumps. When Officer Jones and Smith reached the "private road," they rolled down their windows to determine if any noise could be detected. There was none; however, the officers could hear several people talking loudly from a distance. Officer Smith drove up the private road and pulled his marked police car into the Chandler's driveway in front of their house. (Officer Smith and Officer Jones both testified later that they knew they were entering Chandler's private property when they pulled into a circular driveway.)

Mr. Chandler walked across his lawn holding a bottle of beer as Officers Smith and Jones approached in their police car. When Mr. Chandler saw the police car pull into his driveway, he approached, still carrying the bottle of beer. He met Officer Jones and Smith on his lawn just as they got out of their car. Mr. Chandler identified himself as the owner of the property and asked if there was a problem. Officer Smith informed Mr. Chandler that they had received two complaints about loud noise and music in the area. Mr. Chandler explained that any music or noise had been curtailed promptly at 10:00 P.M. and no further noise problems existed. Then, he asked the officers to leave.

Officer Smith believed he smelled alcohol fumes on Mr. Chandler's breath and asked to speak to someone "who was sober" regarding the noise complaint. (Mr. Chandler later testified that he consumed two bottles of beer between 8:00 P.M. and 10:00 P.M. and had only taken a sip of the beer he was holding during his discussion with Officers Smith and Jones.) Officer Smith also told Mr. Chandler he intended to search the premises. Mr. Chandler refused the officers' access to his home, asking whether they had a search warrant or probable cause for the search. Officer Smith explained they did not need a search warrant because Mr. Chandler was drinking

in public and appeared to be intoxicated. Mr. Chandler refused the officers' access to his home again and asked them to leave.

During this discussion, Officer Smith and Jones observed several people appearing to be underage walking through the Chandler's yard and into their house. Two of these people were carrying bottles. None were loud or unruly while in the officer's presence. Mr. Chandler became loud and animated during the discussion and threatened to "see the officers in Court." After five minutes of discussion, Officer Smith and Jones arrested Mr. Chandler for public intoxication and obstruction of an officer. They handcuffed Mr. Chandler, placed him in their police car, and, without conducting any further investigation, took him to the police station where they placed him in a cell to await arraignment at 11:30 P.M. Officers Smith and Jones did not conduct any field sobriety tests or other intoxication tests after arresting Mr. Chandler. Mr. Chandler was arraigned at 8:00 A.M. on May 23, 2007, and released. The charges against Mr. Chandler were dropped two months later.

Mr. Chandler filed a civil suit against Officer Smith and Jones on March 1, 2009, pursuant to 42 U.S.C.A. § 1983 alleging that the officers violated his Fourth Amendment right against unreasonable searches and seizures. (42 U.S.C.A. § creates a civil cause of action, or right to sue, for violations of constitutional rights.) Mr. Chandler also alleged that the officers falsely arrested him, unreasonably assaulted him, falsely imprisoned him, and maliciously prosecuted him. Officers Smith and Jones denied Mr. Chandler's allegations. They also asked the Circuit Court to dismiss Mr. Chandler's lawsuit because, as police officers, they were entitled to "qualified immunity" as a matter of law. ("Qualified immunity" is a defense allowed under 42 U.S.C.A. § 1983.) The officers filed a "motion for summary judgment" to assert this qualified immunity defense. (A court may grant summary judgment when there are no disputed facts, and the law clearly requires a ruling in one party's favor.) Qualified immunity protects public officers from any civil lawsuits and any civil liability for money damages when they act within their authority. The Circuit Court denied the officer's claim to "qualified immunity" and allowed Mr. Chandler's case against the officers to proceed to a trial. Officers Smith and Jones filed this appeal before their trial to have the Supreme Court of West Virginia determine whether the Circuit Court correctly denied them qualified immunity. (An appeal before a trial is unusual. It is called "interlocutory appeal." Usually, one must wait until the trial is completed to appeal any adverse rulings by a court. Officers Smith and Jones were entitled to an interlocutory appeal in this case because their qualified immunity protects them from being sued as well as from any liability for money damages.)

APPELLANT'S BRIEF

ASSIGNMENT OF ERRORS

There was an error in the trial court in the following particulars:

Officers Smith and Jones did not violate Mr. Chandler's Fourth Amendment right to unreasonable searches and seizures.

Officers Smith and Jones were entitled to assert qualified immunity as a defense to Mr. Chandler's lawsuit.

The Circuit Court was incorrect in denying Officers Smith and Jones' motion for summary judgment.

ARGUMENTS

Argument #1- Officers Smith and Jones did not violate Mr. Chandler's Fourth Amendment right against unreasonable searches and seizures.

There was probable cause to search the premises.

The officers saw two people who appeared to be underage and were carrying bottles. The officers had probable cause after seeing the people and believed a crime was being committed. Probable cause can be used both for the arrest of Mr. Chandler for serving alcohol to minors and for the search of the home to investigate the premises for alcohol that is being served to minors to be seized.

Argument #2- Officers Smith and Jones were entitled to assert qualified immunity as a defense to Mr. Chandler's lawsuit.

Since the officers' actions are considered constitutional, they have a right to qualified immunity. If a reasonable officer would see that two calls of noise disturbance and what appears to be underage drinking would do the same, they qualify for qualified immunity. Even if the officers did violate his Fourth Amendment right, qualified immunity is not lost when an officer violates the Fourth Amendment.

The Supreme Court has held that "government officials performing discretionary functions generally are shielded from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known," Harlow v. Fitzgerald, 457 U.S. 800, 818, 102 S.Ct. 2727, 73 L.Ed.2d 396 (1982).

Argument #3- The Circuit Court was incorrect in denying Officers Smith and Jones's motion for summary judgment.

The Circuit erred in denying the officers' motion for summary judgment. Officers, by law, are entitled to summary judgment. There are no disputed material facts between the two parties, and all decisions forward are based solely on judgment. In the Federal Rules of Civil Procedure, under Rule 56 it states, "The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law."

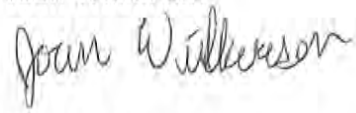
CONCLUSION

Officers Jones and Smith had authority and probable cause to arrest Mr. Chandler and did not violate his Fourth Amendment right to search and seizure. As they did not violate any constitutional rights, the court erred in denying the officers' right to qualified immunity. With no disputed facts in the case, the court should not have denied the officers' motion for summary judgment and allowed the case to go to trial.

For these reasons, we feel the lower court's judgment should be overturned in the case of the State of West Virginia v. Jeffrey L. Chandler.

Respectfully submitted,

Joan Wilkerson



Kylee Johnson

Attorneys for the Appellant

APPELEE'S BRIEF

ARGUMENTS

Argument #1- Officer Smith and Jones did violate Mr. Chandler's Fourth Amendment right to unreasonable searches and seizures.

There was no warrant or probable cause to search Mr. Chandler's premises. Mr. Chandler is a well-known criminal defense attorney, he asked whether they had a search warrant or probable cause for the search, and Officer Smith explained they did not need a search warrant because Mr. Chandler was drinking in public and appeared to be intoxicated.

Mr. Chandler was drinking alcohol on his private property; the officers were aware that they were entering private property. Private property leaves it up to the owner's discretion if the intoxication is acceptable. Given that Mr. Chandler was the owner of the property, this is not an issue. The officers also did not conduct field sobriety or other intoxication tests before or after arresting Mr. Chandler. Mr. Chandler was not in a public area or proven to be intoxicated, therefore falsely accusing him of "public intoxication."

The officers "observed several people appearing to be underage walking through the Chandlers' yard and into their house. Two of these people were carrying bottles." There was no investigation into these people and if they were underage or what the bottles contained. It is also stated that "Mr. and Mrs. Chandler recruited a family friend to monitor the tubs and ensure that no underage guests consumed alcoholic beverages."

Even if they did go through with the search, The Supreme Court in Oliver v. United States, 466 U.S. 170, 104 S.Ct. 1735, 80 L.Ed.2d 214 (1984) states that "At common law, the curtilage is the area to which extends the intimate activity associated with the 'sanctity of a man's home and the privacies of life' and therefore has been considered part of the home itself for Fourth Amendment purposes."

In United States v. Dunn, 480 U.S. 294, 107 S.Ct. 1134, 94 L.Ed.2d 326 (1987), the Supreme Court stated, "We recognized that the Fourth Amendment protects the curtilage of a house and that the extent of the curtilage is determined by factors that bear upon whether an individual reasonably may expect that the area in question should be treated as the home itself."

Argument #2- Officers Smith and Jones were not entitled to assert qualified immunity as a defense to Mr. Chandler's lawsuit.

As the officers violated Mr. Chandler's Fourth Amendment right, they are not entitled to qualified immunity. A reasonable officer would not push for an unwarranted search for or the arrest of Mr. Chandler considering the lack of probable cause. In Pearson v. Callahan, 555 U.S. 223 (2009), the Supreme Court stated, "Qualified immunity balances two important interests—the need to hold public officials accountable when they exercise power irresponsibly and the

need to shield officials from harassment, distraction, and liability when they perform their duties reasonably."

Malley v. Briggs, 475 U.S. 335, 341, 106 S.Ct. 1092, 89 L.Ed.2d 271 (1986) states, "qualified immunity defense has evolved, it provides ample protection to all but the *plainly incompetent or those who knowingly violate the law.*"

Argument #3- The Circuit Court was correct in denying Officers Smith and Jones' motion for summary judgment.

The court was correct in denying the officer's move for summary judgment. A reasonable officer would not have seen Mr. Chandler as intoxicated or in a public place. The denial of summary judgment is based on the decision for qualified immunity. According to the Federal Rules of Civil Procedure under Rule 56 it states, "The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." There are disputed material facts within the case such as the violation of constitutional rights, malicious prosecution, and a false arrest. Therefore, the officers are not entitled to summary judgment.

CONCLUSION

Officers Jones and Smith did violate Mr. Chandler's Fourth Amendment right to search and seizure considering they did not have a warrant or probable cause. The Circuit Court was correct in denying the officer's claim for qualified immunity because they did violate his Fourth Amendment right. The Circuit Court was also correct in denying the officer's motion for summary judgment since there were disputed facts within the evidence.

For these reasons, I feel the lower court's judgment should be upheld in the case of State of West Virginia v. Jeffrey L. Chandler.

Respectfully submitted,

Alexis Wuchner

Attorney for the Appellee

WV YOUTH IN GOVERNMENT 2024

CASE #12

State of West Virginia v Anthony Baggins

The State of West Virginia vs. Anthony Baggins

State of West Virginia	vs.	Anthony Baggins
Prosecution		Defendant
Alana Kaniecki Sydney Barnhart		Amelia Kaste Jacob Boyette
Attorneys for the Appellant		Attorneys for the Appellee

State of West Virginia vs. Anthony Baggins

STATEMENT OF FACTS

On June 21, 2017, the Appellee, Mr. Anthony Baggins ("Baggins") was indited on possession of cocaine. Baggins was arraigned on July 24, 2017, and entered a plea of not guilty to the charge. On October 3, 2017, he filed a motion to suppress evidence. A hearing on the motion to suppress was held on October 25, 2017.

The evidence at the hearing revealed that on the evening of December 16, 2016, Officer Max Frodo ("Officer Frodo") of the city of Pt. Pleasant Police Department was on route patrol. He observed a vehicle with its high beams illuminated and noticed that the car had "some sort of exhaust problem." As the auto passes him, he saw "that the muffler underneath the back of the car was hanging down and twisted sideways." At that point, he turned around and made a traffic stop. Officer Frodo initiated the traffic stop based on the failure to dim the high beams, as well as the exhaust violation.

Officer Frodo approached the driver of the car and explained the reason for the stop. The vehicle contained two passengers, a female and Baggins. Officer Frodo got the impression from the occupants that they were concealing something because the female passenger placed her hand under her shirt. He testified that he was concerned there may be a weapon. Officer Frodo further testified that when he first approached the driver, the driver did not display any physical signs of drug or alcohol use. Officer Frodo took information from all three occupants and called it in to the dispatcher. He also asked for the canine handler to come to the scene for assistance because he had personal knowledge of Baggins from a prior police encounter, coupled with his observation of the behavior in the car.

While waiting for the canine handler to arrive, Officer Frodo began issuing the driver a written warning for his equipment violations. Patrolman Micheal Gandalf ("Patrolman Gandalf"), the canine handler from the Pt. Pleasant Police Department, came to the scene and his dog began sniffing around the exterior of the car. Officer Frodo testified that the dog "picked up some sort of drug or a contraband order in the vehicle." Officer Frodo and Patrolman Gandalf had the driver exit the auto and patted him down. They also searched the female passenger and Baggins. Nothing was found on either the driver or the female occupant.

Officer Frodo testified that his initial pat down of Baggins produced nothing. Officer Frodo futher testified that he noticed Baggins was wearing tall boots. Officer Frodo asked Baggins if they could untie the top of his boots to check the inside because on a prior occasion Officer Frodo dealt with Baggins, he had found a crack pipe in the rear of one of the cruisers immediately after Baggins was released from the cruiser and he hadn't detected it when Baggins went into the car. On the prior occasion, Baggins' boot was not checked, so this time they checked it to make sure there was no knife or anything. Officer Frodo further stated in his testimony that his previous encounter with Baggins involved a suspicion of drug paraphernalia, not weapons.

When looking in Baggins' boot, Patrolman Gandalf located a long slender gold glass tube, which was a crack pipe, and Baggins was placed under arrest. Officer Frodo wanted to check the other boot, but Baggins was not cooperating. After a struggle, the officers managed to check the other boot. They located another pipe and a substance, which was later determined to be crack cocaine.

Patrolman Gandalf testified that when he arrived at the scene, it looked suspicious as there were two people sitting in the rear of the car and one in the front. Officer Frodo asked him to take the dog around the car and do a drug sniff since Baggins was in the auto. On cross-examination, Patrolman Gandalf also revealed that he too knew Baggins from a prior drug stop, and that was the reason he was called to the scene with the drug dog. Patrolman Gandalf further testified that his previous encounter with Baggins involved the suspicion of drug, paraphernalia, not weapons.

At the conclusion of the suppression hearing, the trial judge stated that: "(I) hope the days (are not) gone where you give a guy a traffic ticket if he does something wrong and then that's the end of that thing if the passengers are sitting ther minding their own business."

In a judgement entry dated October 25, 2017, the circuit court granted Baggins' motion to suppress. The Appellant, the state of West Virginia, timely filed this appeal, asserting the appeals court erred when it granted Baggins motion to suppress evidence seized during lawful search in which the officers had reasonable suspicion to search.

ISSUES

1. Whether or not Officer Frodo had sufficient grounds to stop the vehicle that Mr. Baggins was a passenger of?
2. Were there "exigent circumstances" that would have permitted Officer Frodo to conduct a warrantless search of Mr. Baggins' person?
3. If the search of Mr. Baggins was legally justified, were the items found on his person "immediately apparent" to be incriminating contraband upon the officer's sense of touch.

ASSIGNMENT OF ERRORS

There was an error in the trial court in the following particulars:

a) The trial court erred when stating that there was not sufficient evidence to stop the car the defendant was a passenger in.

b) The trial court erred when ruling that there were no exigent circumstances to search the defendant.

c) The trial court erred when ruling that the items found on the defendant's person were not found "immediatly apparent" to be incriminating.

ARGUMENTS

Argument #1 – The trial court was incorrect when stating that there was not sufficient evidence to stop the vehicle the defendant was a passenger in.

The vehicle that the defendant was riding in violated VC 24409 which states that "A driver that fails to dim his headlights must pay a fine of $238.00." The vehicle failed to dim the high beams thus violating the law. Since Officer Frodo saw this violation, he was well within his rights to pull the vehicle over.

The vehicle the defendant was a passenger in was also violating §17C-15-34, which states that "The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke." Since the vehicle's muffler was hanging and twisted, Officer Frodo had to stop it and issue the driver a warning for the violation.

Argument #2 – The trial court erred when ruling that there were no exigent circumstances to search the defendant.

Officer Frodo saw the female passenger reach under her shirt suspecting that there was a weapon being hidden. In the case that a weapon is suspected law enforcement officers are allowed to search a vehicle or its passengers to ensure the safety of both the officer and the public.

Since Officer Frodo and Patrolman Gandalf had both encountered the defendant before in an incident regarding drug paraphernalia, there was reason to suspect that the defendant would have again had drug paraphernalia on his person. The Officers also had exigent circumstances because cocaine was found in the patrol car that the defendant was arrested last time. In the previous time, the defendant's boots were not searched, so there was a reason to search them this time.

Argument #3 – The trial court was incorrect to suggest that the items found on the defendant's person were not found "immediately apparent" to be incriminating.

Officer Frodo had, as mentioned, arrested the defendant on suspicion of drug paraphernalia. This shows that the officer has dealt with drug paraphernalia on occasion. The officer also found a

crack pipe in the back of a police cruiser, showing that the officer was familiar with the incriminating paraphernalia. When the officer felt the pipe, he would have been able to tell what it was by his sense of touch alone.

CONCLUSION

Officer Frodo stopping the vehicle was legal due to its violations of not dimming its high beams and having a bent and lowered muffler. The officer was also in the right with searching the passengers of the vehicle because of the suspected weapon and the defendant's suspicious behavior in the past. Finally, the officer would have been able to tell that the object in the defendant’s boot was a crack pipe due to his history with the defendant and the item in question.

Based on the foregoing arguments, the decision of the trial court should be overturned.

Respectfully submitted,

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Alana Kaniecki

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Sydney Barnhart

Attorneys for the Appellant

ARGUMENTS

Argument #1 – There were no exigent circumstances to search Baggins person.

There was no reasonable suspicion to search both passangers of the vehicle due to the fact the officer only believed that the female passenger was hiding something that he believed to be a weapon. In Carroll v. United States states that "a police officer may frisk (patdown for weapons) both the driver and any passengers whom he reasonably concludes 'might be armed and presently dangerous.'" Since the only person considered to be armed and dangerous was the female passenger, the officer had no right to search Baggins.

The canine that was called to the scene was called due to the officer's preconceived notions from the defendant's previous arrest. This is not enough evidence to bring in a canine unit since the driver of the vehicle did not show any signs of alcohol or drug use. Since the only concern was a possible weapon, only the female passenger should have been searched.

Argument #2 – The officer should not have held the vehicle while waiting for the canine officer.

In Rodriguez v. United States No. 13-9972, the courts found that an officer cannot hold a vehicle for the canine officers. Officer Frodo called the canine unit to the scene because of his false suspicions and held the vehicle for longer than a normal traffic stop. When the dog was taken around the car and smelled contraband, any search following would have been illegal. Without this infringement on the driver and the passengers' fourth amendment rights, the contraband would have never been found.

Argument #3 – The officer could not have been able to know that the object in Baggins' boot Was evidence of a crime be sense of touch alone.

In Minnesota, petitioner *v.* Timothy Dickerson, the pain view doctrine was not extended to sense of touch. The officer patted down the defendant lawfully and felt a lump, reached inside with two fingers, and found a plastic baggy. Upon confiscating the baggy, the officer found that it contained drugs. The court found that the pat down was lawful, but that the confiscation of the contraband was not lawful under the plain view doctrine. Officer Frodo felt the crack pipe but had no right to confiscate the pipe because it was not in plain view to be seen as evidence of criminal activity.

CONCLUSION

The officer did not have exigent circumstances to search Baggins person, the vehicle should not have been held for longer than the normal time of a traffic stop, and the officer could not have been able to tell that the item in Baggins' boot was contraband on sense of touch alone. For these reasons, the lower court's decision should be upheld.

Respectfully Submitted,

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Amelia Kaste

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Jacob Boyette

WV YOUTH IN GOVERNMENT 2024

CASE #13

State of West Virginia v Sam Tolson

MODEL SUPREME COURT OF THE STATE OF WEST VIRGINA

State of West Virgina	**vs.**	Sam Tolson
Defendant (Appellee)		Prosecution (Appellant)
Pacey Frum		Delaney Pearson
Attorney for the Appellee		Attorney for the Appellant

State of West Virginia v Tolson

STATEMENT OF FACTS

On January 10, 2016, the Logan trial court issued a capias for the arrest of Sam Tolson because of a probation violation. On October 28, 2016, the Logan Police Department, receiving a tip, went to Tolson's girlfriend's apartment to arrest Tolson. The police entered the girlfriend's apartment without a search warrant. They found Tolson sleeping on the couch, ninety-four rocks of crack cocaine, $240.00 in cash and two cell phones.

Tolson was arrested and brought to trial. At the trial Detective Marvin Cross testified on behalf of the State of West Virginia. He explained that he was assigned to the R.O.P.E. unit. The R.O.P.E. unit is the unit which arrested Tolson. Detective Cross explained the primary focus of the R.O.P.E. unit is to pursue persons wanted on any outstanding capias.

On the night of the arrest Det. Cross received a "Crime Stoppers" tip that Tolson could be found at his girlfriend's apartment located at 1015 Linn Avenue, Apartment 5. Det. Cross ran Tolson's name through the computer and found various outstanding warrants. After verifying the warrants were still active, Det. Cross obtained a photograph, physical description and criminal history on Tolson. Det. Cross also verified the name of Tolson's girlfriend as India VonHalkein.

When Det. Cross arrived at the premises he checked the address listings. He noted India VonHalkein lived in Apartment 6, not Apartment 5 as reported by the tipster. Det. Cross proceeded to Apartment 6 and knocked on the door. Tolson's girlfriend answered the door. Det. Cross identified himself as a policeman. Det. Cross stated that he was able to see a man through the open apartment door, who was sleeping on the couch. The man matched the photograph and physical description of Sam Tolson.

India asked Det. Cross if he had a warrant. Det. Cross testified he did not answer Ms. VonHalkein, but proceeded to enter the apartment. He also testified Ms. VonHalkein began to back towards the couch, blocking the officers' path to

Tolson. The officers withdrew their service revolvers and aimed them at Tolson. The officers identified themselves as police officers and removed the blanket covering Tolson. Once the blanket was removed they found a "big bag with a bunch of rocks in it" lying on the couch next to Tolson. The officers pulled Tolson off the couch and searched his person. They found in his pocket $240.00 and two cell phones. A subsequent examination of the bag of rocks by the police lab identified the rocks as ninety-four rocks of crack cocaine.

Ms. VonHalkein also testified at the trial. She stated that at the time Det. Cross arrived at her door, it was already ajar. She stated that she never invited the police into her apartment. She also admitted that the police did find the drugs on her premises but the bag was found when the police started pulling the blanket and pillows from her couch.

Counsel for Tolson filed a Motion to suppress the evidence gathered on October 28, 2016 as it had been illegally obtained. The trial court denied the motion. Tolson proceeded to trial. He was found guilty of drug possession, drug trafficking and possession of criminal tools. He was found guilty of violating his probation. He was fined $2500.00 and sentenced to 18 months on the probation violation, 4 to 15 years on drug trafficking, one year on drug possession and six months on possession of criminal tools.

Tolson appealed the judgment claiming the evidence was improperly seized.

I S S U E

Was denial of the Motion to Suppress and the introduction of evidence seized on October 28, 2016 proper?

Appellee's Brief

Arguments

Argument #1: The officers did not illegally enter the residence of Ms. Vonhalkien.

Ms. VonHalkien testified that she never invited the R.O.P.E unit into her home, and they proceeded to enter the home without answering her when she asked if the officers had the warrant. The general entry of the officers rested on the stipulations held within the outstanding arrest warrants already issued by the Logan trial court. Upon reaching the residence of Ms. Vonhalkien, the Officer enacted a "Knock and Announce." This law is embedded in the 4th Amendment that police must give notice of their authority when conducting an arrest warrant.

When the door is opened, police have the right to actively scan the area behind the person answering it for safety reasons. Any area able to be viewed from the officer's stance in the public area of the outside of the apartment is considered "plain view." The Plain View Doctrine gives officers the right to seize evidence, or in this case, provide the probable cause for entering the home when seeing the defendant on the couch. After identifying the defendant via his description, the officers are not required to answer the homeowner any further, because they are executing the arrest warrant; which, per the WV state code 62-1-4, can be executed at any time or place in the state, even if the officers do not have the warrant physically in their possession.

On top of that, warrants house "exigent circumstances," as ruled by the Supreme Court. The types of situations are quite vast, but the main one is "incident to arrest." This allows officers to conduct entry without a search warrant to prevent the destruction of evidence if reasonably inferred. The officers, knowing that Mr. Tolson had multiple outstanding warrants and a probation violation, entered the home to ensure that the defendant could not destroy any evidence that might work towards his conviction.

Argument #2: The evidence was not obtained through an illegal search of the apartment.

Removing the blanket from Mr. Tolson, to effectively conduct the issued arrest by the capias, revealed the evidence in question, ninety-four rocks of crack cocaine. Rightfully, the police collected it as evidence and searched his body to uncover the presumed burner phones and $240 cash. Regarding the search of Mr. Tolson's person, it is reasonable and emphasized in the primacy of warrants that the officers search the arrestee for any object or weapon that can be used to resist the arrest, hurt the officer, or escape. These actions are undeniably routine when conducting an arrest.

The seizure of the "bag of rocks" is also lawfully justified by the Incident to Arrest Doctrine. The Supreme Court expanded the scope to include the "immediate reach" of the arrestee. It even permits a "protective sweep" of the entire home, which the officers here did not

enact. It is easy to say that the bag of rocks was in the immediate control of the defendant since he was lying with the bag on a couch, concealed by a single blanket.

Argument #3: The defendant doesn't have a 4th amendment right.

Per the Supreme Court of West Virginia Standard Terms and Conditions of Adult Probation, probationers submit their 4th amendment rights. Term #26 states, "I will submit to any and all searches of me, my residence, my property, my vehicle, or my effects by my probation officer at any time my probation officer is, upon reasonable suspicion, safety concerned, or any other lawful basis, deems it necessary and voluntarily I agree to any property found or discovered as a result of the search. Law enforcement may also perform the same searches at the direction of my probation officer." Yes, Ms. VonHalkien has her 4th amendment right. This would make her house fall under the right to privacy. But harboring someone who is on probation changes these rights surrounding the probationer's person. The warrant is submitted by the probation officer, accepted and issued by the trial court, so law enforcement does have ground to search him based on this term. Since it is not Mr. Tolsons residence, the police cannot search the entire home on terms of his probation, but his person and property still fall under this term. As we see from the statement of facts, the officers did not conduct a full search of the house but rather a search for his person and immediate control. This makes all the evidence gathered also fall under these terms and conditions.

Conclusion

The Logan trial court's denial of the motion to suppress the evidence gathered on October 28, 2016, should withstand. The evidence was legally and lawfully seized in execution of the search warrant. The R.O.P.E office unit did not illegally obtain the evidence or illegally enter the home due to the Incident to Arrest doctrine, terms and conditions of probation, exigent circumstances, and the stipulations of arrest warrants. The full extent of Mr. Tolson's conviction should remain and be lawfully served.

Respectfully Submitted,

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Pacey Frum

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Attorney for the Appellee

Tolson vs. State of West Virginia

Argument 1

During the time police were sent an anonymous tip they disregarded the fact that we have laws they need to follow along with everyday citizens. First and foremost, Detective Cross was alerted by a tip that led him to 1015 Lynn Ave. Apartment 5. Once he was not able to locate Mr. Tolson he went on a search without any other leads. He finally made his way down the hall to apartment 6 which just happened to be an apartment belonging to Mr. Tolson girlfriend India Vonhalkein. Detective Cross claims he was able to identify Mr. Tolson from a mugshot he found during the time he spent looking up any warrants that Tolson may have active. With the apartment door slightly ajar Detective Cross stated he was able to identify it was indeed Mr. Tolson. Even though Mr. Tolson was asleep on a couch that belonged to his girlfriend.

Argument 2

Once Detective Cross seen a male with “similar” traits to Mr. Tolson laying on couch he knocked and identified himself to India Vonhalkein. Letting her know he had seen a male with “similar” traits to Mr. Tolson asleep on her couch. At this time Detective Cross started to enter Ms. Vonhalkein home and she ask the detective if he had a warrant. Without a response to Ms. Vonhalkein, Detective Cross along with other officers entered the apartment illegally. Once inside her apartment they drew their guns and removed a blanket on the couch and pulled Mr. Tolson from the couch searching him still without any warrant. Ms. Vonhalkein made a sworn statement that police had pulled blankets and pillows before finding the bag of “rocks” on her couch in her apartment once Mr. Tolson was pulled from the couch.

Conclusion

Per the Fourth Amendment it states, “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized”. On October 28, 2016, Detective Cross along with his fellow officers decided to disregard what the Fourth Amendment stands for and violate the rights of Mr. Tolson and Ms. Vonhalkein. Without asking either party if they were allowed to enter the apartment and start searching without any type of warrant. This ordeal escalated from an anonymous tip that ended up being the wrong apartment into doing searches without proper warrant or proper consent from the homeowner or the guest she had in her home.

WV YOUTH IN GOVERNMENT 2024

CASE #14

State of West Virginia v Claxton

THE MODEL SUPREME COURT OF THE STATE OF WEST VIRGINIA

State of West Virginia		Claxton
	vs.	
Defendant (Appellee)		Prosecution (Appellant)
Alina Holliday		Ash Roth
Joelle Gonchoff	vs.	Gracie Hunter
Attorneys for Appellee		Attorneys for the Appellant

STATEMENT OF FACTS

On July 27, 2014, the Webster County Drug Task Force, along with the National Guard, and the Webster County Sheriff's Department, were involved in "marijuana eradication." In this process, helicopters are used to identify marijuana growing in rural and city areas of the county. At the time, Jason Claxton anPatricia Claxton ("Mrs. Claxton") lived at 1415 Filler Road with their young daughter, Josephine. Mrs. Claxton was also three months pregnant with a second child. Before the eradication took place, the police had not focused on either the Filler Road property or the Claxton's as potential subjects of any investigation. The property itself consisted of a house, barn, chicken coop, and approximately 40 acres of land.

While flying over the Filler Road property, officers in a National Guard helicopter spotted marijuana growing in a field. Normally, ground troops are notified when marijuana is spotted. If the marijuana is within the curtilage, they knock and get permission or obtain a search warrant. If the marijuana is not within the curtilage, they simply go and get the marijuana. In this case, Detective Bishop ("Detective Bishop"), of the Webster Springs Police Department, and Deputy Jones ("Deputy Jones"), of the Webster County Sheriff's Department, were in contact with the National Guard helicopter and were directed to the Filler Road property. Although Bishop and Jones did not testify at the suppression hearing, Detective Miller ("Detective Miller"), from the West Virginia State Police Department, did testify.

According to Detective Miller, he came to the Filler Road property about a half hour after Detective Bishop and Deputy Jones arrived. Detective Miller was the officer in charge. When Miller arrived, he was told that written permission to search had already been obtained from a resident of the property. Upon arriving, Detective Miller walked to the back area of the farm, where plants were growing in a field. Additionally, Miller observed marijuana plants in small pots, outside, at the side of a chicken coop. Miller took pictures of the plants in the field, of the plants by the chicken coop, and of a growing area set up inside the chicken coop.

On the day of the search, only Mrs. Claxton and her daughter Josephine were at home. Mrs. Claxton was in the first trimester of a high-risk pregnancy, caused by her age (42) and by having lost two babies during the first trimester several years earlier. Her pregnancy was quite difficult, with almost constant morning sickness, fatigue, and problems dealing with heat. While in the house, Mrs. Claxton noticed a helicopter outside and took her daughter out to wave at it. Within fifteen minutes, two officers knock on the door and told her that marijuana had been spotted in the cornfield. The officers asked if they could go out and retrieve the marijuana. At that point, Mrs. Claxton looked out and saw people already in the field. She then gave the officers permission to retrieve the marijuana and went outside with them. While outside, she felt stunned by what was happening and was also physically ill because of the heat.

Mrs. Claxton testified that an officer approached her and told her he had papers for her to sign. Although the officer was motioning her to a car, Mrs. Claxton asked to go inside and sit down because she felt ill. About six or seven people accompanied her inside. Some were dressed in uniforms and they all had guns. When the papers were handed to Mrs. Claxton, she asked about being entitled to a search warrant. The officer with the papers commented in response as follows:

“Listen, we got all of these officers out here and they are on a schedule. They're not going to like it if you tell us to go get a search warrant. Sure, we can send somebody to go up and come back, but we're not going to do that. For your own good, you'd better sign this now or things could get a little rough."

Mrs. Claxton was unsure what the officer meant by "things getting a little rough." She testified that she was afraid the officers might physically harm her or throw her up against the wall. Furthermore, in view of her past problem pregnancies, she was aware of what stress could do to the life of an unborn child. As a result of her concern for the safety of her unborn child, she signed the consent papers.

Mrs. Claxton also testified that she was not initially threatened with violence and that the officers who came to her door were polite. Her conversation with the officers outside was normal, focusing on things like the heat. She further said she read and understood the forms she signed, and commented that when she signed the forms, she wanted to do the right thing.

According to Detective Miller, who arrived after the search form had been signed, Mrs. Claxton was distraught and out of control off and on. At times, she burst into tears and made comments to the effect that "she didn't deserve this." The focus of Mrs. Claxton’s distress and frustration was not the police, but was her husband. Specifically, Mrs. Claxton was upset with her husband because he was engaging in a marijuana-growing operation. Detective Miller also indicated that the police tried to keep Mrs. Claxton as calm as they could, knowing she was pregnant.

Mrs. Claxton testified at the hearing that she had received a bachelors degree in fine arts from Marshall University, and had achieved academic distinction in college, including a full scholarship to study abroad during part of her junior year. The forms themselves included a pre-interview form and a permission to search form. The pre-interview form explains standard rights such as the right to remain silent and the right to counsel. Mrs. Claxton initialed each statement on this form to indicate that she had read and understood the statement. The permission to search form authorized the police to make a complete search of the premises at Filler Road and to take from the premises any letters, papers, material, or other property the police desired. This form also indicated that Mrs. Claxton had the right to refuse to consent to the search.

While Mrs. Claxton acknowledged that the form called for a full search premises, she said she thought the police were basically going to search the area where they had found the marijuana. This belief was based on a comment by the officer who presented the form, to the effect that he wanted to search the corn field. Additionally, Mrs. Claxton did not feel there was anything to search for in the house.

After hearing the above testimony, the circuit court found that Mrs. Claxton’s consent was voluntary, and that the scope of consent was not exceeded.

Jason Claxton (“Mr. Claxton”) appeals to the West Virginia Supreme Court of Appeals from the circuit court's denial of a motion to suppress evidence. After the denial of the suppression motion, Mr. Claxton pled no contest to two counts of trafficking in marijuana. The

court found Mr. Claxton guilty, and sentenced him to one year in the Department of Rehabilitation and Correction.

APPELLANT'S BRIEF

ASSIGNMENT OF ERRORS

a) Did the circuit court err in failing to suppress evidence seized as the fruits of a warrantless search in which consent was involuntary.

b) Did the circuit court err in failing to find that the search exceeded the scope of the alleged consent.

Argument #1- Mrs. Claxton's signature on the warrant was involuntary.

Her safety was threatened by law enforcement officers of Webster County. Mrs. Claxton was under dire medical danger because of her high-risk pregnancy. The stress and threat of the situation caused her to agree to sign the forms. She only signed out of pure pressure in defense of her unborn child and her daughter Josephine.

Argument #2- Mrs. Claxton was acting under duress which in textbook terms means the act of using force, coercion, threats, or even psychological manipulation or pressure to get someone or someone's to act against their wishes.

If a person is acting under the claim of duress, the threat must be of serious bodily harm or even death. In Mrs. Claxton's case, she was surrounded by six officers, all of which had guns. The officer she spoke with even said directly "Listen, we got all of these officers out here and they are on a schedule. They're not going to like it if you tell us to go get a search warrant. Sure, we can send somebody to go up and come back, but we're not going to do that. For your own good, you'd better sign this now or things could get a little rough." For the second reason, the potential of being assaulted or harmed physically is worse than being arrested. There also could have been the possibility of her child and unborn child being assaulted. For the third of the reasons, the threat was impossible to avoid, had it happened or actually taken place. Mrs. Claxton was an older pregnant woman and there were six or seven other armed officers and National guard personnel surrounding her. It was quite the immediate threat if it had taken place. For the last and final reason, allowing duress requires that she was involuntarily involved in the situation. Mrs. Claxton was involved in this situation not by choice or free will; they came to her property, her home and expected entry. She was pressured to sign the papers involuntarily, and she couldn't avoid them. Supporting that claim, the officer she spoke with said "They're not going to like it if you tell us to go get a search warrant," and "We got all these officers out here and they are on a schedule." This shows that they were adding pressure to Mrs. Claxton in terms of time restraints and threatening of physical harm.

CONCLUSION

Since Mrs. Claxton was under the threat of her own and her child's safety, her signature on the consent forms was insufficient in defining consent. Mrs. Claxton fits the definition of acting under duress which means that she was forced into signing the consent forms, therefore deeming them invalid.

Respectfully Submitted,

_____

Gray Hunter

_____

Ash Roth

APPELLEE'S BRIEF

ARGUMENTS

Argument #1- Mrs. Claxton's consent was voluntary and she understood what she was signing.

Code R. 32-6-7 informed consent is defined as the act of notifying patients in writing and verbally prior to performing legal procedure, such as the signing of consent. Mrs. Claxton was provided with an explanation, which she testified that she read and understood. The officers comments were not regarding the contents of the document and were not intended to mislead Mrs. Claxton to hold belief of the existence of legal requirements or spark disagreements.

Mrs. Claxton is educated, having acquired a bachelor's degree from Marshall University, and has the ability for reading comprehension and retention. With the admission that she read the whole document and her acknowledgment of comprehension, Mrs. Claxton was provided with the materials necessary to make an informed decision and choose to sign or not based on her judgment, without substantial outside influence.

Upon analysis of this case, it is clear that because of Mrs. Claxton's testimony that states she read and understood the document before signing, the circuit court did not exceed the scope of alleged consent because the consented was informed and educated.

Argument #2- Mrs. Claxton's distress was a result of factors other than the officer's presence.

Mrs. Claxton's distress was caused by a number of circumstances, police presence was one of them, yes, but this was unavoidable and a result of an existing situation. Others includes; (1) Her pregnancy was a previous stressor, and it was addressed that she had had complications in the past. (2) The weather was adverse, with high temperatures that were already affecting Mrs. Claxton combined with the stress of pregnancy. (3) Mrs. Claxton was previously unaware of her husband's involvement in marijuana production, so having the premises searched for this reason was an extreme shock. The officers had made previous accommodations for Mrs. Claxton, including sitting inside to avoid the heat and sun. Overall, they were polite and handled the situation as law intends.

Mrs. Claxton's interpretation of interactions cannot be justified as a reason of coercion, as many factors went into her supposed belief of necessary signature.

CONCLUSION

Mrs. Claxton is an educated women with a bachelor's degree in Fine Arts. She had read and was also informed of what the consent forms were for and voluntarily signed them. She believed the signature was necessary for many reasons and was not forced into signing by outside forces. Mrs. Claxton was affected by the weather due to her pregnancy and the shock of discovering her

husbands involvement in the production of marijuana from officers asking to search the premises.

Respectfully Submitted,

_____-
Joelle Gonchoff

_____
Alina Holliday

WV YOUTH IN GOVERNMENT 2024

CASE #15

Hill v WV Department of Health & Human Resources

In the Model Supreme Court of the State of West Virginia

Hill	v	WV Department of Health & Human Resources

Katelyn Duckworth	Jamie Collins Jesse Papaianni
Attorney for the Appellants	Attorneys for the Appelees

Hill v. WV Department of Health and Human Resources

STATEMENT OF FACTS

Ben Wallace is an adult male who has been diagnosed as suffering from seizure disorder, organic personality disorder and borderline intellectual functioning. In June 2020, after several years of treatment at Western Reserve Psychiatric Hospital, Wallace discharged himself to live at Miles Park in Huntington, West Virginia. Miles Park was a residential facility helping those people who have mental illness. Miles Park was owned and operated by Aftercare Residential Services ("ARS"). The residents of Miles Park received case management services from Southern West Virginia Health Services ("SWVHS") and nursing services from State Operated Services ("SOS"). While living at Miles Park, Wallace received nursing services from Linda Sims, a psychiatric nurse employed by SOS.

Wallace's case management plan called for Sims to visit Wallace every Tuesday. Wallace had a history of noncompliance with medications. His noncompliance was exacerbated when living in a non-structured setting or when his treatment regimen was undergoing a change. Sims was aware of the noncompliance problem and would spend a significant portion of her Tuesday visits counseling Wallace about his medication program. Sims gave Wallace a divided medication container to assist Wallace in the proper administrations of his medicine. Each Tuesday, Sims would check the container and the medicine log to determine if Wallace had been taking his medicine properly. If he had not Sims would counsel him on the importance of following the regimen. At no time could Sims force Wallace to take his medication.

By summer 2020, Wallace had shown his ability to be compliant with the medication. The nursing visits were changed from weekly to bi-weekly. However, Sims continued to see Wallace on a weekly basis as she wanted to make unscheduled spot check visits on Wallace.

In November 2020, Wallace's psychiatrist changed his medication. Wallace was to decrease his dosage of Mellaril, an antineuroleptic drug for two weeks. Wallace had been on Mellaril for several years. At the conclusion of the two week period, the psychiatrist ordered Navane to be given in place of Mellaril. Wallace remained on Tegretol, anti-seizure medicine, throughout the medication changes.

On December 1, 2020, Sims changed Wallace's medication log to reflect the change to Navane. She helped Wallace load his medication container with Navane and Tegretol. Wallace refused to take the Navane. By December 5, 2020, Wallace refused to take any Tegretol as well.

On December 4, a staff employee of Miles Park contacted Sims and informed her Wallace was complaining of an upset stomach, muscle aches and a headache. Wallace's forehead was cold and clammy. He was lethargic and looked drained. Sims visited Wallace on December 5, 2020. Wallace appeared to be tired. He informed Sims he was not eating very much. Wallace had a cool forehead and complained that the right side of his chest hurt. During her visit Sims noted Wallace suffered three petit-mal seizures, each lasting five seconds. Sims asked Wallace if he wanted to see a doctor. Wallace said no. At no time during the visit did Sims ask Wallace about his medicines or check the medication container. Wallace contacted Wallace's case manager and asked that he asses Wallace on Monday morning December 7, 2020.

After Sims left, Wallace reported to the Miles Park staff that he was suffering an anxiety attack. The staff spoke to him for a while and he appeared to be okay. When the staff checked on Wallace that evening he reported he was okay. Wallace reported that he was feeling much better the next day as well.

On December 7, 2020, Brian Dwyer, Wallace's case manager, checked on Wallace. He found Wallace to be unshaven, unkempt and the apartment in disarray. Fearing that Wallace was suffering adverse side effects of his new medicine, Dwyer contacted the psychiatrist. The psychiatrist said he doubted Wallace was experiencing side effects of the new medicine. He believed it was more likely Wallace was suffering seizures. He instructed Dwyer to contact Wallace's neurologist to have his blood and Tegretol levels checked. Dwyer contacted Sims and relayed to her the information given to him by the psychiatrist. Sims told Dwyer she had scheduled an appointment with the neurologist for the next day.

Sims made no attempt to contact Wallace to inquire into his condition. Neither did Sims request the staff of Miles Park or Dwyer to check Wallace's medication log and/or medication container.

On the next morning Wallace was found unconscious in his apartment. He was pronounced dead at Cabell Huntington Hospital. The Cabell County Coroner

performed an autopsy. The results show Wallace's cause of death to be seizure disorder.

Rosemarie Hill was duly appointed by the Cabell County Probate Court as the Administrator of the estate of Ben Wallace. Hill initiated a wrongful death action against the West Virginia Department of Health and Human Resources in the Court of Claims. Hill also filed suit against SWVHS, ARS and the psychiatrist in the Cabell County Court of Common Pleas. ARS, SWVHS and the psychiatrist filed complaints against the West Virginia Department of Health and Human Resources. The Common Pleas action was subsequently removed to the Court of Claims.

The Court of Claims found the West Virginia Department of Health and Human Resources liable for Wallace's death. The Court granted directed verdicts for ARS and SWVHS. A jury found the psychiatrist not to be negligent. The Court awarded Hill $75,000.00 on the wrongful death claim. The West Virginia Department of Health and Human Resources is appealing the decision to the West Virginia Supreme Court of Appeals.

ISSUE

Did the court err as a matter of law by finding the WV Department of Health and Human Resources, through its employee Linda Sims, breached the duty of care owing to Wallace, thereby proximately causing Wallace's death?

Appellant's Brief

Assignment of Errors

The court erred in the following particulars:

1. Ben Wallace was weaned off of his medication. The psychiatrist did not document how much Wallace was subtracting from his normal dosage during the two week interval. This can pose risks due to the medicine being antipsychotics.
2. The Western Reserve Psychiatric Hospital did not give details regarding the self discharge of Ben Wallace. The court did not consider whether or not he was evaluated properly according to standard procedure before he was allowed to leave.
3. The psychiatrist did not follow federal code when it came to evaluating Wallace's potential risks about side effects from a new medication.

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ARGUMENT # 1

Ben Wallace needed to be tested properly when discharging himself from the psychiatric hospital. He should have been evaluated by the staff at the psychiatric hospital. WV State Code §27-5-4 says, "All final commitment proceedings shall be reported or recorded, whether before the circuit court or mental hygiene commissioner, and a transcript made available to the individual, his or her counsel or the prosecuting attorney within 30 days if requested for the purpose of further proceedings." Western Reserve Psychiatric Hospital, a private, physician owned psychiatric hospital did not follow this ordinance. They allowed Mr. Wallace to leave, thereby causing these incidents to occur. Under the assumption that Wallace discharged himself against medical advice, the hospital would not be liable to anything that would happen to him after his self-discharge. The WV Department of Health and Human Resources cannot oversee every single discharge and self discharge, so they would not know if he had been suffering from a negligent psychiatrist, especially if he was not properly evaluated when they let him discharge himself. If the Western Reserve Psychiatric Hospital had not been negligent, Wallace's death might have been prevented.

ARGUMENT # 2

The nurse should not have been making unannounced calls, but the staff at Miles Park should have intervened. They would have known of her visits because she would have had to log any patient that she sees who is staying within the facility. Unannounced visits can show a disregard for medical advice. Nurses and doctors that are there to watch over patients are not playing by their own rules, but instead the departments. However, despite her actions, the psychiatrist must have known about her unannounced visits. The company that was caring for Ben Wallace would have known as well, as she must have had to do some form of check-in to see him. Considering the possibility that they did know, they did not report it or say anything about her visits.

ARGUMENT # 3

The psychiatrist had been negligent when confronted with the idea that he was suffering side effects after a quick medicine change, and his decision to order blood tests for the upcoming day ended up resulting in his death. One of the major causes of patient harm is not taking precautionary action when faced with possible risks. This, as an example, can include not strapping a patient into his or her wheelchair properly, or thinking they are okay enough to simply sit within it. Accidents can occur because of this negligence, or a refusal to evaluate and investigate risks that arise with certain instances. A doctor, no matter what specialty, is someone who is supposed to look into any problems or uncertainties. Federal Code **§ 416.929** states that, "we will consider all of your statements about your symptoms, such as pain, and any description your medical sources or nonmedical sources may provide about how the symptoms affect your activities of daily living and your ability to work." This directly contradicts the course of action the psychiatrist had decided to take when faced with the thought that maybe, just maybe he had been suffering side effects due to the two week switch from Mellatril to Navane. For medication that is an antipsychotic, the National Institutes of Health states that, "Stopping and switching antipsychotics can result in serious consequences, particularly a relapse of psychosis which may entail serious risks and worsen long-term prognosis. Withdrawal syndromes related to cholinergic and dopaminergic effects may occur depending on the characteristics of the antipsychotics involved." This does discuss stopping an antipsychotic abruptly, which in the psychiatrist's defense he did not do. However, the court never stated how much he took as the two weeks went by, and how much medication he lessened as it went. Serious effects can happen if an antipsychotic is not weaned properly, or if he cut too much medicine from his normal dosage. At no point during this could the West Virginia Department of Health and Human Resources oversee that progress. Therefore, despite that risk being very present in the patient's history, the psychiatrist refused to further look into it. He refused to do one thing that a doctor like himself is TRUSTED to do. The department instills that value of trust into their doctors, and they cannot oversee every single patient they have. It is the doctor's job and role to look into every risk possible.

Conclusion:

In conclusion, the WV Department of Health and Human Resources are not to be held liable for the death and mistreatment of Ben Wallace. Instead, it be his psychiatrist and Western Reserve Psychiatric Hospital who should be held accountable for malpractice and the mistreatment of a patient which resulted in his death. The Department is not liable due to the inability for them to know or oversee anything that happened with Mr. Wallace.

Respectfully Submitted,

Draygon Pate

Katelyn Duckworth

Appellee's Brief

Arguments

Argument #1: The West Virginia Department of Health and Human resources was guilty of negligence in the case of Hill vs. WV Department of Health and Human Resources.

The West Virginia DHHR was guilty of negligence through their employee, Linda Sims, in the care of Ben Wallace. When Wallace was suffering from illness, Sims failed to check up on him even after she was informed that he was likely suffering from seizures. Attorney, Ben Crump, states that, "When a medical provider's actions or inactions fail to meet the medical standard of care, their behavior constitutes medical negligence." Crump also states that, "According to *BMJ* [British Medical Journal], medical errors are the third greatest cause of death in the United States, second only to heart disease and cancer." Sims breached her duties by failing to check on Wallace. This is an example of medical negligence, something that is totally unacceptable.

Argument #2: Negligence leads to malpractice.

On December 5th, when Sims did visit Wallace she did not inquire as to his wellbeing or check on his medication even though she knew he was feeling under the weather that day. Malman Law reveals that, "A patient who requires medication to control his or her psychiatric condition, but doesn't receive such medication, could suffer from adverse harm – or possibly death." In Wallace's case, not religiously taking his medication led to his seizures and his untimely death. This was a case of negligence. Negligence leads to malpractice. Furthermore, Ben Crump, attorney at law, states that, "When a medical provider's actions or inactions fail to meet the medical standard of care, their behavior constitutes medical negligence. If their medical negligence causes their patient to suffer an injury, it becomes medical malpractice". This was a

case of negligence that led to malpractice. If Wallace had not been neglected, he might still be alive.

Argument #3: Sims did not fulfill her duties as a psychiatric nurse.

The staff at Miles Park did a good job of checking and informing Sims on Wallace's condition. The County of Mariposa claims the duty and definition of a psychiatric nurse, "Under general supervision, [is] to provide professional nursing care to emotionally disturbed and/or mentally ill patients for Behavioral Health and Recovery Services; to work with clinical and case management staff to coordinate care and assist in treatment plans for clients; and to perform related work." Though at the beginning, Sims did well at checking in on Wallace, she did not follow through when he needed her help the most. One of Sims' duties was to counsel Wallace on his medication. On December 5, 2020 she did not check to make sure Wallace was taking his medication. Likewise, on December 7, 2020 when she was informed of Wallace's condition, she did not check on his medicine. She did not fulfill her duties when it mattered most to her patient.

Conclusion: In Conclusion, The West Virginia Department of Health and Human Resources is guilty of negligence. The court's decision must, therefore, be upheld. For when she visited him, she made no attempt of asking or checking on Wallace's medication. Furthermore, when she was informed he was not feeling well, she did not make any attempt to contact him or ask about his medication. Wallace was found dead the next day. Leaving the WV Department of Health and Human Resources at fault for his death, through Linda Sims who breached her duty.

Respectfully Submitted,

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Jamie Collins

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Jesse Pappaianni

Attorneys for the Appellee

WV YOUTH IN GOVERNMENT 2024

CASE #16

Randozo-Capone v Olivia's International, Inc.

THE MODEL SUPREME COURT OF THE STATE OF WEST VIRGINIA

Randozo-Capone	vs.	Olivia's International, Inc.
Prosecution (Appellant)		Defendant (Appellee)
Abigail Mathis		Elizabeth Adkins
Attorney for the Appellant		*Attorney for the Appellee*

Statement of Facts

Edwin Reese ("Reese"), a panhandler roaming the downtown district in the city of Wheeling, stabbed decedent Armando Capone ("decedent") to death in a restaurant/bar operated by the appellee, Olivia's International, Inc ("Olivia's). Appellant Laura Radonzo-Capone ("wife"), the decedent's wife and administratrix of his estate, brought this wrongful death and negligence action alleging Olivia's failure to provide adequate security against panhandlers. A jury in the circuit court found in favor of Olivia's on all counts.

Wife and decedent were married three days before the murder. Antonio Radonzo ("brother"), wife's brother, who was also a close friend of decedent's, traveled from Charleston to join wife and decedent for an evening downtown to celebrate the marriage. Both wife and brother had worked at bars and restaurants in the downtown area, and during the course of the evening they met a number of people they knew. It being a late Monday evening after the busy summer season, there were few customers in the bars. The celebrants initially stopped at Olivia's, a restaurant where brother had worked in the past. There he met Olivia's assistant manager, whom he knew well. After staying for a brief period, they moved next-door to a bar called the Lounge.

When the Lounge closed at 2:30 a.m., wife, brother and decedent decided to go to Olivia's. They knew Olivia's served food after other local bars closed for the evening, and expected to find there a number of employees from various downtown restaurants that had closed for the night. In fact, there were about twenty to thirty customers inside Olivia's, and wife and brother knew most of them. As he left the Lounge, brother noticed Reese, outside begging for money. Panhandlers were fairly common in the downtown area. Two people were working at Olivia's: the assistant manager and a cook. The celebrants ordered food and sat at a table. Reese entered Olivia's and began to ask its patrons for money. When Reese approached the celebrants, brother told him to leave them alone. Reese wandered off to other parts of the restaurant. He returned to the table a short while later, and brother grew annoyed at Reese's presence. Brother asked the assistant manager whether he planned to do something about Reese's presence or whether the assistant manager wanted the brother to take care of removing Reese. Being occupied with serving the rush of customers entering the bar at that time and having it in mind that brother, a former Olivia's employee knew how to deal with panhandlers, the assistant manager told brother to "take care of it."

Brother approached Reese, called him a "bum," and told him to leave. One witness testified that brother used a racial slur when speaking to Reese. The witness firmly recalled brother's racial slur because he had been sitting with a friend who took personal offense at brother's racial slur. Reese, who all witnesses characterized as either drunk or on drugs, responded to brother by saying, "who do you think you are talking to; who do you think you are?" He claimed brother responded, with several obscene words. A patron sitting at the counter alerted the assistant manager to the confrontation between brother and Reese. The assistant manager angrily yelled to brother, "Antonio, shut your mouth and go sit down." As brother turned to look at the assistant manager, Reese struck brother in the cheek. Brother charged Reese and pushed him against a wall. He put Reese in a headlock and threw two or three punches to his head and face. Wife, who had been sitting with decedent, told decedent to aid her brother. At the same time, the assistant manager saw brother charge Reese and he leapt over the bar to break up the fight.

Both the assistant manager and decedent attempted to pull brother away from Reese. During the scuffle, Reese pulled out a knife and began stabbing wildly. He struck the assistant manager three times in the buttocks. Decedent was fatally stabbed in the heart. Prior to this event, theft crimes in the Wheeling area were on a slow rise. City statistics showed thefts involving the use of weapons were up 4% from the previous year. Two months previous, in a neighboring city, a panhandler was charged with assaulting a police officer. Wife brought this civil action against Olivia's. Wife raised claims of wrongful death, and negligent failure to provide security. At the conclusion of the case, the court gave instructions to the jury. During the reading of the instructions, the court stated: "there is absolutely no evidence in this case that panhandlers, per se, are dangerous individuals on the public streets of our cities." The jury in the lower court returned a verdict in favor of Olivia's on all counts. Mrs. Capone now brings an appeal to the West Virginia Supreme Court, challenging the lower court's findings.

ISSUES

1. Did Olivia's breach a duty to provide adequate security to their customers from possible criminal acts of a third person?

2. Was the brother acting as an agent for Olivia's, thus making them liable for his negligent actions in intensifying the situation?

3. Was the Court's instruction to the jury regarding a panhandler's criminal proclivity or lack thereof an impermissible comment, and if so, did it prejudice Mrs. Radonzo-Capone's case?

APPELLANT'S BRIEF

ARGUMENTS

Argument #1- Olivia's was aware of the panhandler loitering in the store and bothering customers, and commissioned a patron to remove him

Argument #2- The statement provided by the original defense is negligent of the fact presented of the increase in crime among panhandlers

Argument #3- According to WV Legislature, panhandling is illegal between the hours of 6pm and 9am

CONCLUSION

The restaurant is guilty of a wrongful death because they were negligent of the person loitering in the restaurant and allowed customers to enforce security instead of removing the issues themselves. According to the Model Penal Code of American Law, if the crime was tolerated by management, the corporation can be held liable. Olivia's tolerated the presence of a panhandler in their store during illegal hours, which led to the death of Randozo. Since security measures were not taken, and they allowed for illegal activity to be present in their institution, they are liable for the crimes that resulted from their negligence. Additionally, since in the original case, the facts were crudely presented by the defense to manipulate information, the statement that panhandlers are not dangerous should be ruled as hearsay and not be permissible in court. If crimes are on the rise, it is important to acknowledge the danger being posed and encourage safety measures among all citizens.

APPELLEE' S BRIEF

ARGUMENTS

Argument #1: The court was correct when determined that Olivia's had no responsibility to kick the panhandler out.

In the statement of facts it says, "Prior to this event, theft crimes in the Wheeling area were on a slow rise. City statistics showed thefts involving the use of weapons were up 4% from the previous year. Two months previous, in a neighboring city, a panhandler was charged with assaulting a police officer." This may make you think that the bar should have kicked the panhandler out because of his panhandling and because of the rise in violence. However, that is not true. First, there was no evidence that the man was planning on becoming violent before he was provoked. His status as a panhandler does not inherently make him violent. When it comes to his behavior, it can be argued that they should kick him out for panhandling. While it is a little obnoxious, being annoying is not a crime so therefore there is no requirement for the bar to kick him out. Given the situation shown in the statement of facts, Olivia's was not at fault for not kicking the panhandler out.

Argument #2: The court was correct when it determined that Olivia's did not require additional security personnel

In the statement of facts, it says "Wife raised claims of wrongful death, and negligent failure to provide security." While it is tragic what happened, the bar had no legal requirement for security. The only "security" that they are required to have is to ask for ID in order to make sure a person is 21+. It is ridiculous to ask a restaurant/bar to have security hired. Imagine if you had to get through a bouncer to go to Applebee's! According to the law, Olivia's is not required to have security.

Argument #3: The court was correct when it determined that Olivia's was not at guilty of starting/escalating the fight.

In the statement of facts, it says, "her asked the assistant manager whether he planned to do something about Reese's presence or whether the assistant manager wanted the brother to take care of removing Reese. Being occupied with serving the rush of customers entering the bar at that time and having it in mind that brother, a former Olivia's employee knew how to deal with panhandlers, the assistant manager told brother to "take care of it."" While this seems like a bad thing to say, there was no way for the manager to know how far the brother would take it. Given that they had just arrived at the bar, he had no way of knowing that the man was drunk. Also, the manager was not necessarily encouraging them to kick the panhandler out with force or use hateful language. All these people are grown adults and can use words to handle a situation. Given what is shown in the state of facts, it is the brother, not Olivia's that is at fault for starting the conflict.

CONCLUSION

In summary, the court was correct when it sided with Olivia's International Inc. First, the restaurant had no obligation to kick the panhandler out. Also, there is no legal requirement for Olivia's to have more security. Finally, Olivia's was not responsible for causing the conflict to take place. The decision of the lower court should be affirmed.

Respectfully Submitted,

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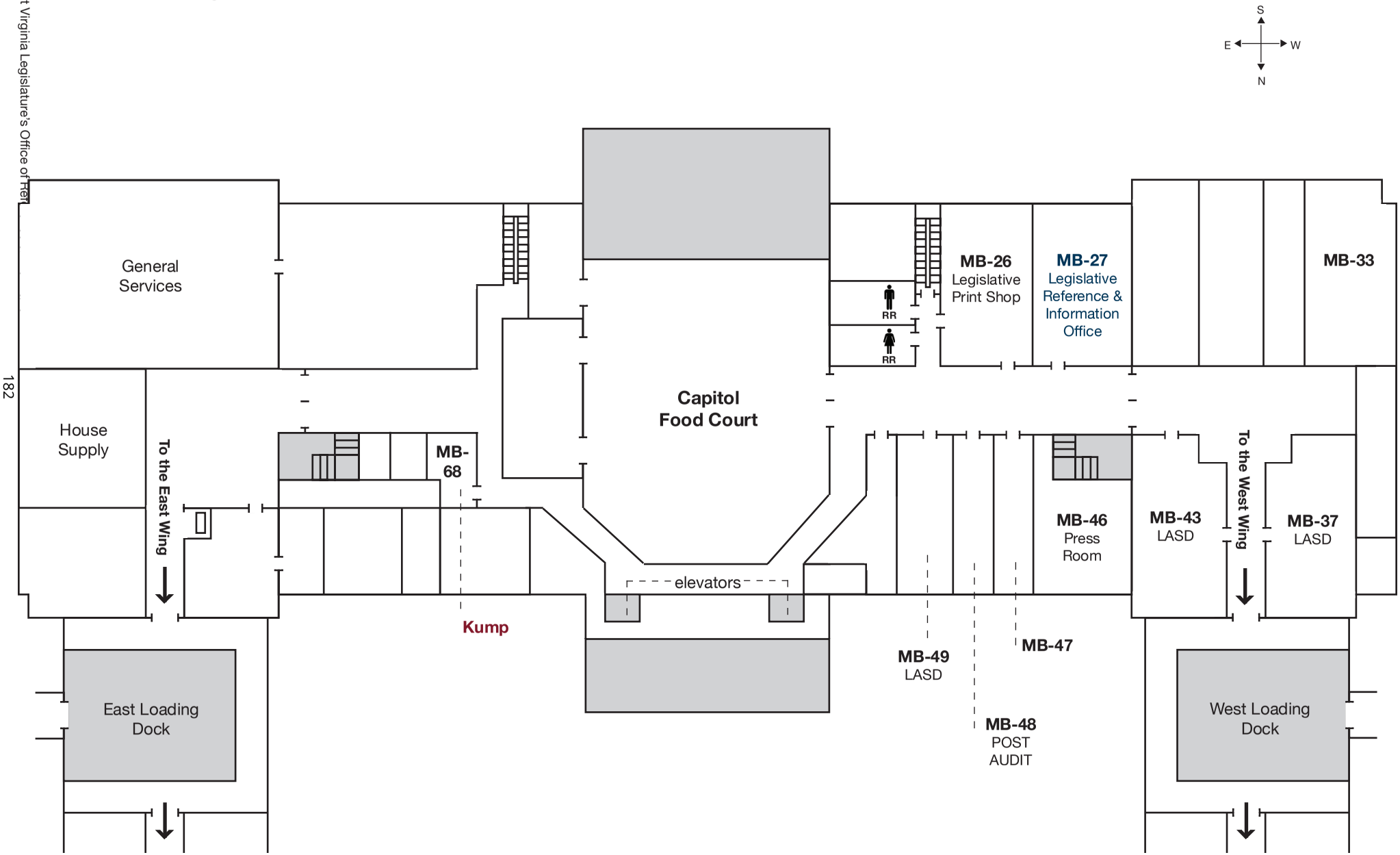
Elizabeth Adkins

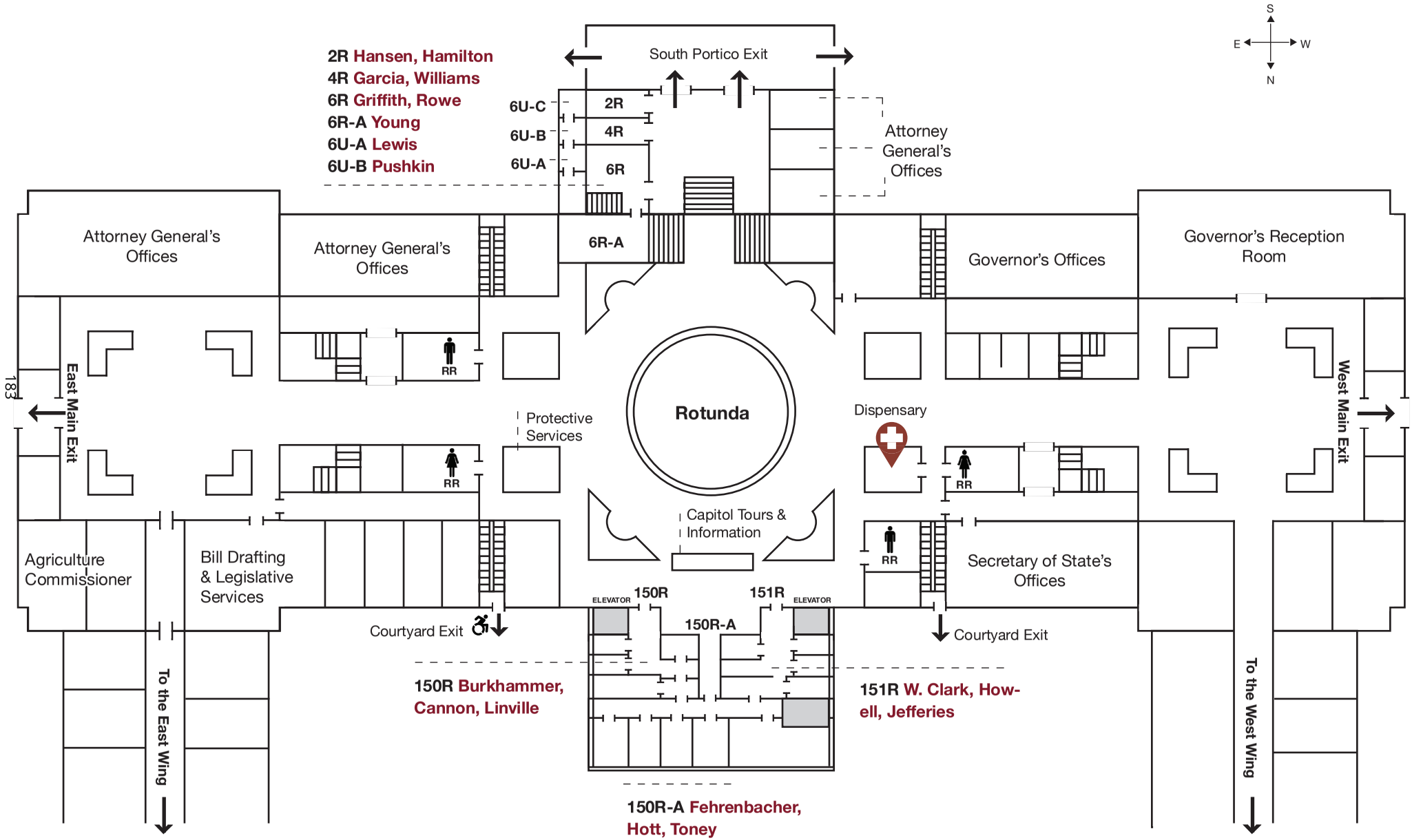
WEST VIRGINIA STATE CAPITOL MAPS

Main Building - Basement



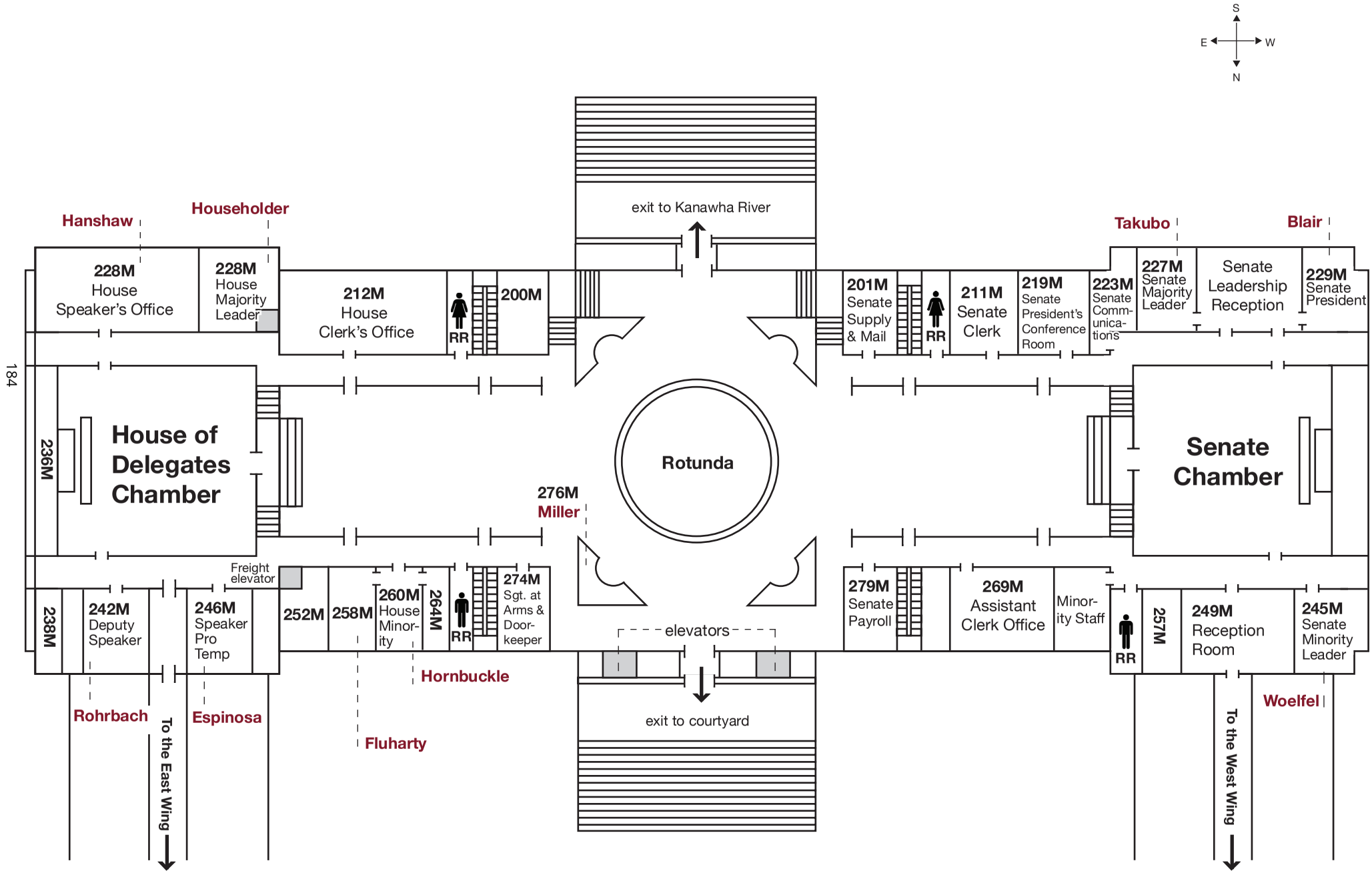
WEST VIRGINIA STATE CAPITOL MAPS

Main Building - Ground Floor



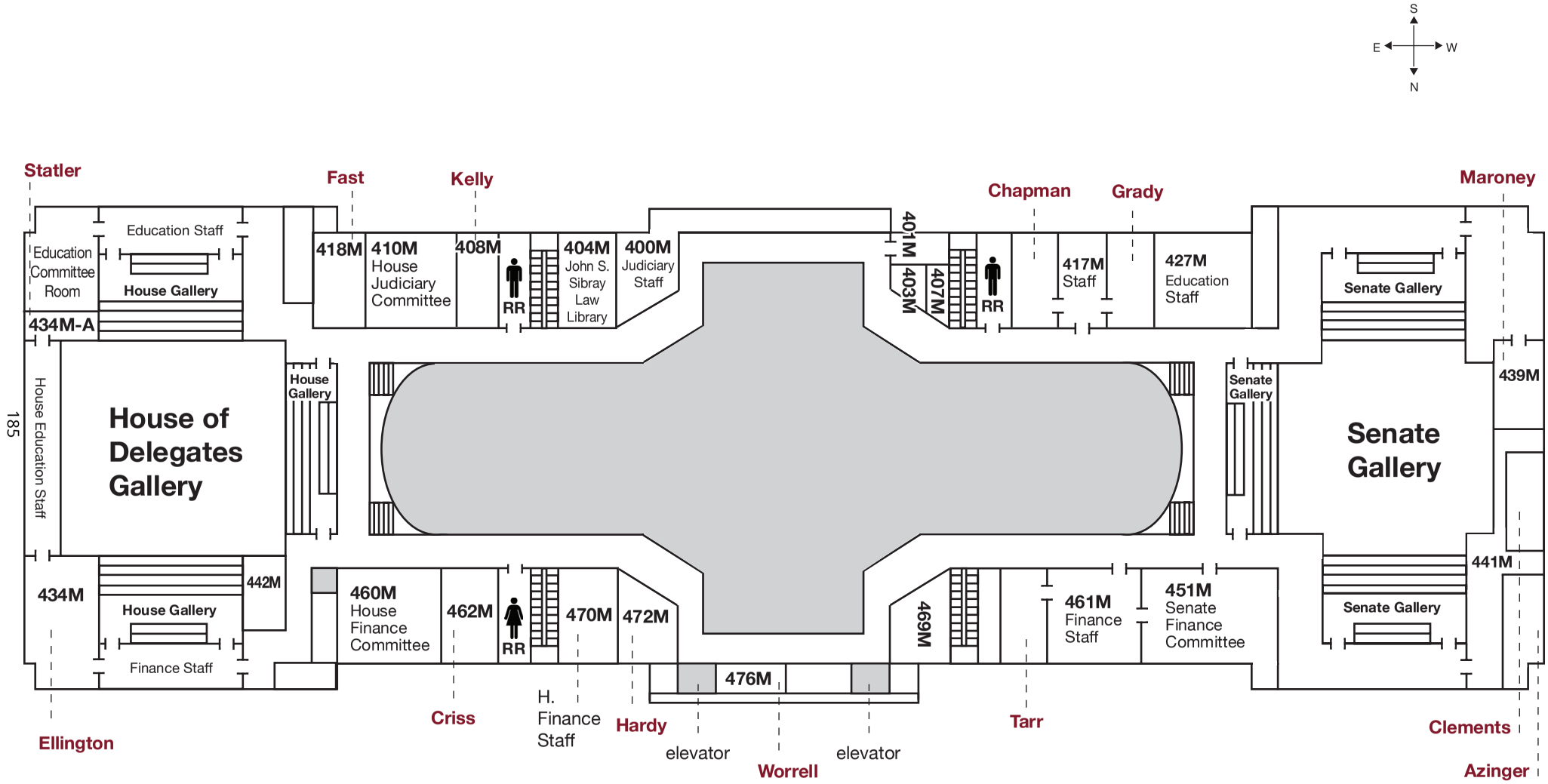
WEST VIRGINIA STATE CAPITOL MAPS

Main Building - Second Floor



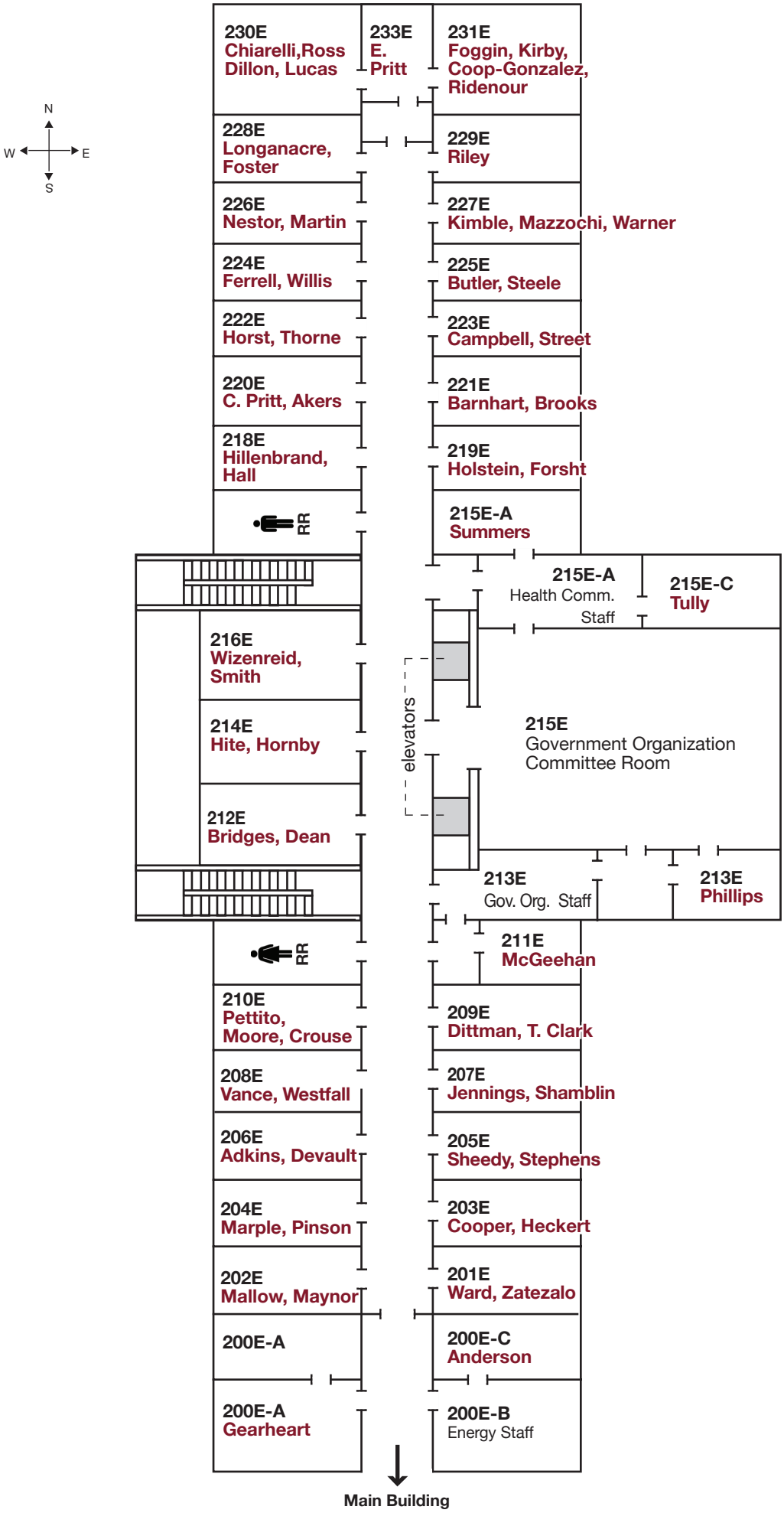
WEST VIRGINIA STATE CAPITOL MAPS

Main Building - Third Floor

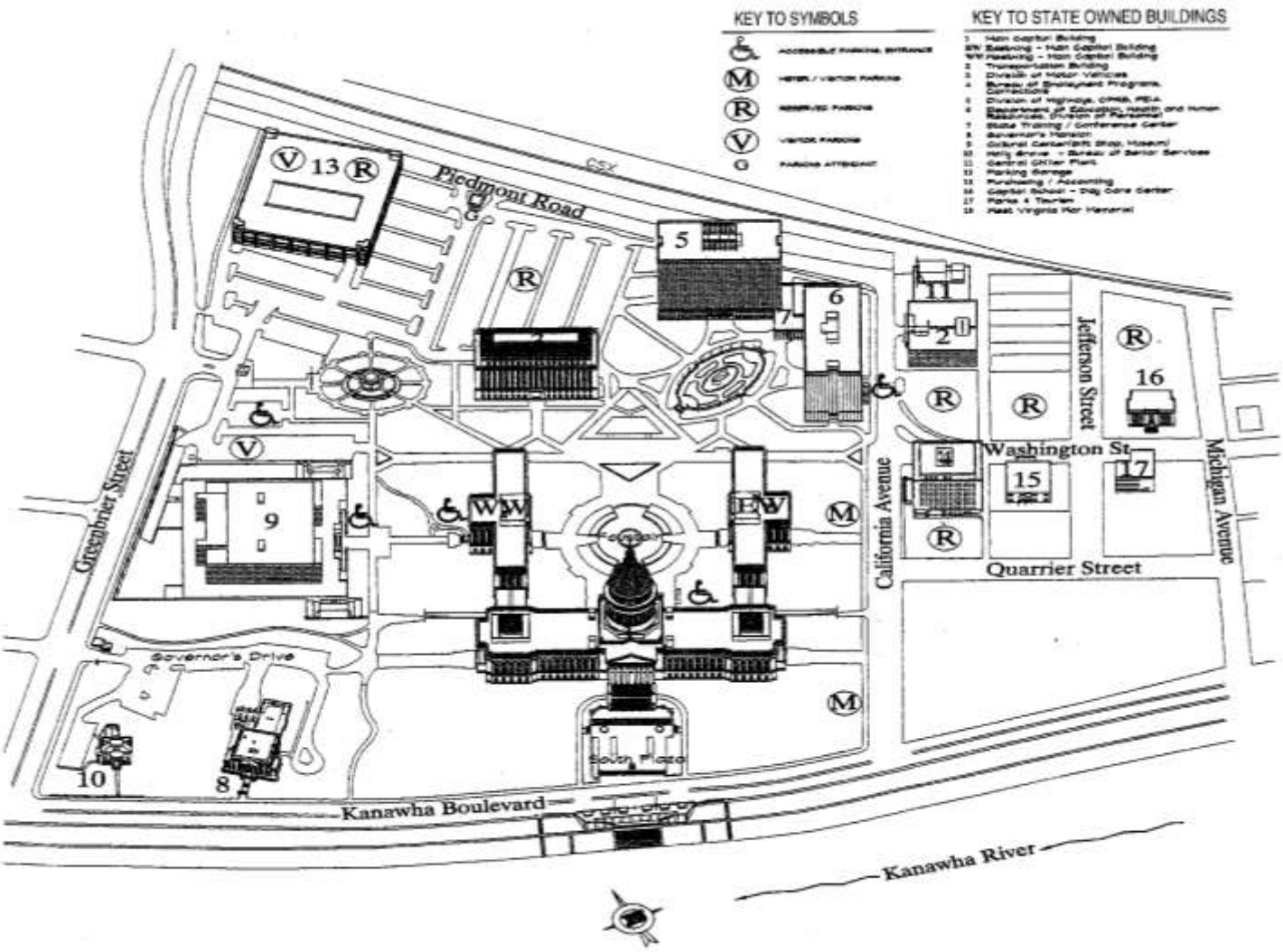


WEST VIRGINIA STATE CAPITOL MAPS

East Wing - Second Floor - House of Delegates



Capitol Maps – Outside Grounds



2023 WEST VIRGINIA YLA YOUTH IN GOVERNMENT DIRECTORY

EXECUTIVE

NAME	DELEGATION	TITLE
Nick Albright	Hedgesville High	Associate Justice
Cole Thomas	James Monroe	Associate Justice
Jordan Lowe	James Monroe	Associate Justice
Leighana Guzman	James Monroe	Associate Justice
Emily Bailey	James Monroe	House Chaplain
Sadie Maxey	James Monroe	House Clerk
Shane Arthur	James Monroe	President of the Senate
Gracie Woods	John Marshall	Press Editor
Ella Waters	Hedgesville High	Secretary of Education
Colton Gibbs	Point Pleasant	Secretary of State
Michael Niggemyer	Grafton	Secretary of Transportation
Thomas Sibold	James Monroe	Senate Clerk
Emma Ballard	James Monroe	Speaker of the House
Madisen McMillion	James Monroe	Chief Justice
Luke Jackson	James Monroe	Youth Governor

PAGES

Name	Delegation	Assignment
Olivia Dunn	Point Pleasant	House Chamber
Jack Eiler	Lewis County	S2 Committee
Ivy Higginbotham	Point Pleasant	Senate Chamber
Rileigh Jackson	James Monroe	H3 Committee
Aaron Jarrell	Wyoming East	Judicial
Carlee Lane	Wyoming East	Judicial
Emma Null	Hedgesville	H2 Committee
Teegan Shelton	James Monroe	Senate Chamber
Owen Shreve	Grafton	H1 Committee
Kasey Thomas	Wyoming East	House Chamber
Hailey Titus	Lewis County	S1 Committee
Cody Whitt	Wyoming East	House Chamber

LOBBYISTS

Name	Delegation
Amanda Flora	Point Pleasant
Thomas Giggenbach	Morgantown
Avalyn Helvey	James Monroe
Connor Lundy	Wyoming East
Gavin Nichols	Wirt County
Daniel Pitts	Wirt County
Morgan Ryan	Morgantown

LEGISLATIVE				
NAME	**DELEGATION**	**SEAT**	**HEARD IN**	**MEMBER OF**
Sophia Austin	Grafton	4	S2	S1
Lauren Bailey	Ripley	20	S1	S2
Evan Barnette	Ripley	19	H3	H1
Riley Bennett	Ripley	43	H3	H2
Parker Biller	Grafton	1	S2	S1
Natalie Briggs	John Marshall	17	H1	H2
Lelia Brock	Mingo	69	H1	H3
Maxine Brock	Mingo	70	H1	H3
Remington Brown	Wyoming East	24	S1	S2
Wyatt Burns	Lewis County	28	H3	H2
Elijah Cameron	Wyoming East	23	H1	H3
Noah Cameron	Wyoming East	72	H1	H3
Aidan Cardwell	Wyoming East	23	S1	S2
Piper Cook*	Wyoming East	71	H1	H3
Brooke Cross*	Wirt County	5	S1	S2
Lily Cross	Wirt County	6	S1	S2
Troy Enternmenn	James Monroe	75	H3	H1
Lillian Fetty	Buckhannon-Upshur	77	H2	H3
Avery Fife	Ripley	15	S1	S2
Cole Fogus	James Monroe	17	S2	S1
Gavin French	James Monroe	12	S2	S1
Madelyn Frye	Buckhannon-Upshur	25	S1	S2
Katelin Fuller	James Monroe	20	H2	H3
Grace Gatts	John Marshall	28	S2	S1
Makenzie Grandon	Ripley	16	S1	S2
Caitlin Hall	Hedgesville	74	H1	H2
Brandon Hawkins	James Monroe	18	S2	S1
Gillian Haynes	Ripley	89	H1	H2
Aleigha Hill	James Monroe	21	H3	H1
Kal-el Hill	John Marshall	18	H1	H2
Adyson Hines	James Monroe	78	H2	H3
Sienna Hixon	James Monroe	27	H3	H1
Opal Huffman	Ripley	21	S1	S2

Committee Chair*

LEGISLATIVE				
NAME	**DELEGATION**	**SEAT**	**HEARD IN**	**MEMBER OF**
Landon Hulley	Grafton	2	S2	S1
Gracie Hunter	John Marshall	33	S2	S1
Luke Hunter	James Monroe	44	H3	H2
Cayden Hyde	John Marshall	29	S2	S1
~~Owen Jackson~~	~~James Monroe~~	~~90~~	~~H2~~	~~H1~~
Sophie Jenkins	Ripley	30	S2	S1
Evelyn Jennings	Hedgesville	73	H1	H2
Hannah Jewell	James Monroe	22	H3	H1
Tanner Johnson	James Monroe	13	S2	S1
Faith Jones	Ripley	19	S1	S2
Amelia Kaste*	John Marshall	41	H1	H2
Emily King	Ripley	82	H1	H2
Garnet Kish	Ripley	22	S1	S2
Carson Koen	James Monroe	37	H3	H2
Anna Lantz	Buckhannon-Upshur	68	H2	H3
Andrea Laxton	Wyoming East	24	H1	H3
Sophia Lee	Ripley	83	H1	H2
~~Caleb Long~~	~~James Monroe~~	~~91~~	~~H2~~	~~H1~~
Gabriella Mann	James Monroe	86	H2	H1
Abbi Mathis	James Monroe	85	H2	H1
Sarah McBee	John Marshall	32	S2	S1
Grace McClure	James Monroe	34	H2	H3
Liliana McInelly	Morgantown	28	H1	H2
Ella McNeish	Buckhannon-Upshur	11	S1	S2
Sydney Mullens	Buckhannon-Upshur	64	H3	H1
Jordan Niggemyer*	Grafton	14	S2	S1
Catherine O'Neill	Buckhannon-Upshur	67	H2	H3
Jayce Paynter	James Monroe	76	H3	H1
Henry Phillips	Buckhannon-Upshur	66	H2	H3
Jackson Phipps	James Monroe	38	H3	H2
Aaron Reedy	Morgantown	27	S1	S2
Baylee Ridgeway	James Monroe	33	H2	H3
Lillian Roman	John Marshall	42	H1	H2
Colin Savage*	Preston	36	H2	H1
Liam Savage	Preston	35	H2	H1
Morgan Shanklin	Ripley	31	S2	S1
Chloie Shires	James Monroe	26	H3	H1

Committee Chair*

LEGISLATIVE

NAME	DELEGATION	SEAT	HEARD IN	MEMBER OF
Cole Snyder	Greenbrier East	84	H2	H3
Colin Street	Morgantown	15	H3	H2
Jaylin Summers	Grafton	3	S2	S1
Jacob Torres	Ripley	20	H3	H1
Kyleigh Towe	Point Pleasant	16	H1	H3
Cody Trainer	Buckhannon-Upshur	26	S1	S2
Eli Ward	John Marshall	7	S1	S2
Kaydence Weikle	James Monroe	79	H2	H3
Lewis Whetzal	John Marshall	8	S1	S2
Alayna Whitehair	Buckhannon-Upshur	65	H3	H1
Hannah Willis	James Monroe	21	H2	H3
Lila Wright	Buckhannon-Upshur	10	S1	S2

JUDICIAL

Name	Delegation
Elizabeth Adams	James Monroe
Isabel Adkins	James Monroe
Paige Amos	James Monroe
Bailey Brubaker	James Monroe
Jamie Collins	Wirt County
Isaac Cozort	James Monroe
Ethan Freed	Wirt County
Corey Graham	Point Pleasant
Olivia Hanna	Point Pleasant
Kollin Hatfield	Hedgesville
Megan Huff	John Marshall
Sawyer Hurley	Hedgesville
Avery Kaniecki	John Marshall
Thomas Lyons	Hedgesville
Emma Mann	James Monroe
Alison Miller	James Monroe
Gabrielle Miller	James Monroe
Delaney Pearson	Point Pleasant
Shelby Plants	Point Pleasant
LeiAnn Richmond	James Monroe
Kade Riffe	James Monroe
Carol Russell	Wirt County
Lilly St. Clair	James Monroe
Rosslyn St Clair	James Monroe
Rylie Surface	James Monroe
Katherine Viars	James Monroe
Brendolynn Williams	Wirt County

PRESS	
Name	**Delegate**
Mark Abrego	Lewis County
Reagan Dorsey	John Marshall
Emily Fallon	Lewis County
Shelby Hamrick	Lewis County
Kaylin Joplin	Mingo
Alexis Lambert	Mingo
John Lusk	Wyoming East
Chloe Munday	Mingo
Logan Perdue	Wyoming East
Brock Phillips	Mingo
Joshua Tilley	Wyoming East
Kamryn Watson	Point Pleasant
Zoey Watson	Point Pleasant
Gracie Woods	John Marshall

ADVISORS		
NAME	**DELEGATION**	**ASSIGNMENT**
Brian Allman	Buckhannon Upshur	Senate Co-Advisor
Kristin Dewees	Ripley	Senate Bill Coordinator
Angie Domico Cox	Wirt	House Bill Coordinator
Chris Dotson	Mingo	Page Advisor
Anthony Dunn	Wyoming East	S1 Advisor
Jennifer Eiler	Lewis	Page Advisor
Christine Gary	John Marshall	Hotel Advisor
Josh Gary	John Marshall	House Advisor
Deborah Gump	Lewis	S2 Advisor
Wilson Harvey	Buckhannon Upshur	House Co-Advisor
Tiffany Hersman	Point Pleasant	H2 Advisor
Ashley Mann	James Monroe	Bus Advisor
Rebekah McCloy	Wirt	Judicial Advisor
Angela Savage	Preston	H3 Advisor
Melissa Stacey	Point Pleasant	Lobbyist Advisor
Stormy Thorn	James Monroe	Press Advisor
Abbie Tomasula	Buckhannon Upshur	H1 Advisor
Lauren Wilkes	Hedgesville	H3 Advisor
Renee Wilson	James Monroe	Bus Advisor
Scott Womack	James Monroe	Court Advisor
Carlie Zimmerman	Morgantown	H1 Advisor
Richard Zukowski	Grafton	Senate Advisor

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Officer Responsibilities and Qualifications

YG officers are members of a YLA currently affiliated with the YLA Leadership Center. Officer are elected at the end of a YG session to serve through the next YG. The year of service is an opportunity to develop and use one's skills, improve YG, help other students have a positive YG experience, involve new schools and students, and advance YLA's youth leadership program.

Local YLA Nomination

Before a YLA holds its nominating meeting, be sure every candidate has the competence, commitment, time, people and social skills as well as attitudes required for to develop and lead others. Officers must be at ease in diverse places including Horseshoe, YLA conferences and retreats, Bill/Case Rating and YG.

Candidates must win the nomination of their local YLA for the office sought.

In other words, a person cannot just decide to run for an office. The person must secure the nomination of their local YLA.

Delegations may nominate no more than one (1) candidate per office.

The local YLA must have an officer nominating meeting. Every candidate is to have a chance to seek nomination. If there is more than one candidate seeking the nomination for an office, their local YLA will take a vote. The winner of that vote becomes the nominee.

Delegations submit their official nomination (s) on the Officer Candidate Nomination form in the Legislative manual by the deadline in the YG Calendar.

Potential Candidates

Before seeking the nomination for an office, make sure –

- Officers lead YG for a year in diverse places and programs. An officer must be at ease in YLA Summits, conferences and retreats, Bill/Case Rating, and YG. These places are intentionally chosen for the unique ways each calls people to engage with people in community building. YG is much more than parliamentary procedure, passing laws and debate.

Governor and Cabinet, Speaker, President, Chief Justice and Associate Justices participate in the Summer Leadership Summit at Horseshoe. All other officers including the appointed Press Editor are invited and welcome to join them at the Summit!

YG is about being a citizen with others . . . and this takes place in real places where people must act to build community. Because these places and programs are reality – not a virtual reality – they require real people (officers) whose positive attitudes and actions build responsible and engaged citizens.

- One can commit the time, work and money the position requires. Check one's calendar, check with parents and be sure the family's calendar will allow the commitment of the significant time the office requires. Check one's financial position – that of the family and the local YLA to be sure the money is available. If both time and money are available, lock them in to assure they will still be available if the office is won.

Do not seek the office, get it, and later ask to be excused from any of the position' responsibilities. Other defeated candidates were fully prepared to carry out their duties at these four programs and there were others who did not run because they could not.

- An officer who does not fulfill their responsibilities may resign or may be removed from office. If that happens, another person will be appointed or elected to the position. The new officer will complete the term of office through April YG.

Nomination for Office

Responsibility of the Nominating YLA

Nominate candidates with the competence to do the job. Please see Officer Duties, Local Nomination and Potential Candidates information above and Officer Responsibilities below.

Officer Responsibilities

Lead from the bottom up – not the top down

Set the example:

- Do what one asks and/or expects others to do;
- Help others do and become their best;
- Assert the purpose of YLA Youth In Government to peers;
- Insist peers achieve the highest levels of competence, personal and group conduct, respect for others Youth in Government and in facilities our program uses;
- Practice our core values of Respect – Responsibility – Caring – Trustworthiness – Honesty – Fairness – Citizenship.

Attitude

- Positive, likes people, welcomes and involves others, helps others succeed.
- At ease in diverse places including Summit at Horseshoe, YLA conferences and retreats, Bill / Case Rating and at YG – each place is different and all are deliberately chosen to engage people with people building understanding and community building – wants to be in these places to enjoy the experience.
- Puts others first, thinks and acts based on what is best for the group.

Responsible

- Accept and carry out responsibility;
- Recognize that Youth in Government is youth led and adult supported;
- Insist peers be responsible for their attitudes, decisions and actions and that they all support the purpose, procedures and conduct expected by YLA and its Youth in Government;
- Act responsibly – it is not acceptable to say "that is the Advisor's job";
- Capable and willing to carry out the responsibilities listed in this section of the manual.

Competence

- Know and understand your job;
- Know the procedures, carry them out and insist peers do too;
- Select others for leadership positions based on their competence;
- Teach peers how to use the procedures;
- Mature in attitudes and actions.

Involvement

- Involve others, encourage others, bring more schools and students into YG;
- Model the involvement expected by others

Term of Office - From election or appointment to the adjournment of the next YG; the job is done all year, not just at the spring YG session.

Officers at the Summer Leadership Summit

- Train for and practice one's responsibilities
- Review YG Exit Surveys
- Determine how to strengthen the program
- Present YG to all participants, encourage their participation, train students to return home ready to prepare their members
- Learn how to connect YLA's service civic engagement and values to Youth in Government
- Build a statewide network of peers practicing YLA's core values, advancing YG, and building better futures for all.

Officers at YLA Conferences and Retreats

- Be prepared in procedure, responsibility, how to do your job and do it so your example of competence sends the message everyone is to achieves the highest standards of conduct, competence, and participation.
- Involve and engage others—encourage new schools and students to participate.

At Bill/Case Rating

- Know your job so well and be able to perform it with competence that the level of performance by everyone is raised to the highest levels.

Leadership Team

Governor

Select Cabinet

- Up to 6 persons
- Only one from a school
- Ideally no one from the governor's home school
- Cabinet Applications accepted at YG and the week after YG
- YLA sends applications to Youth Governor two days after due date
- Youth governor's selections made and YLA informed one week after receipt of applications from YLA
- YLA office sends letters of appointment or not appointed
- Governor and Cabinet begin work at Horseshoe Summer Leadership Summit in June

Officers at Summit

- Governor and Cabinet review Exit Surveys to determine how to improve for next year
- With the assistance of the Cabinet, develop a legislative platform

- By week's end, Governor determines Cabinet assignments
- Assist in training peers to participate and to train their members back home
- Recruit new schools and students to participate

Public

- Serve as a member of the Youth in Government Committee
- Speak on behalf of the program at events as requested by YLA

President of the Senate and Speaker of the House

- At Leadership Summit review Exit Surveys to determine ways to improve the Student Legislature, prepare the Legislative training portion of summit, conduct the training, identify students not in YG and recruit their participation
- Lead other legislative officers present
- Preside over legislative sessions, insist all participate on an intellectual and productive level
- Involve and engage other students, encourage new schools and students to participate in YG

Lt. Governor

- Assist and support the Governor
- Preside over the Cabinet for the Governor and lead the Cabinet in its work
- Assist other students to have a successful YG experience. Encourage new school and student participation.

Clerks

- Know and practice your duties
- At the Summer Summit, YLA conferences and retreats, Bill Rating, and YG perform your duties to assist in the operation of your House or Senate
- Assist your Speaker or President
- At YG, pick up Bills and the Order of the Day from the Bill Coordinator before legislative sessions
- Keep attendance at each session
- Read the Bills including amendments as directed by the Presiding Officer
- Count votes, report vote to Presiding Officer
- Record and sign all legislation
- Return Bills to Bill Coordinator, submit completed Bill Disposition and verbally report action taken o each Bill

Chaplains

- Prepare messages with an impact calling participants to YG's purpose
- Share your leadership at summer Summit, YLA conferences and retreats, Bill Rating and of course YG
- Assist your Speaker or President

Press Editor

- Take the opportunity to join the officers at the Summer Leadership Summit, YLA conferences and retreats, Bill / Case Rating to make connections helpful to you at YG an to be in on "the ground floor" of YG preparations and operations
- Take a lead in creating outstanding YG Press Corps
- Encourage, lead, involve and insist all Press Corps members perform with competence

Cabinet

- Support and represent the Governor's view on proposed legislation
- Encourage new schools and students to participate in YG
- Help all participants succeed
- Report to the Governor legislative views of Committees, Legislature and members

Competence

An important goal is to raise the level of competence of Legislators, Committee Chairs and all Officers. Success requires a joint effort by Officers, Staff and Advisors. Officers must accept their responsibility to lead their peers in directions required for a successful YG. Officers must take on responsibility to stand up to their peers when needed to correct or re-direct them and must always stand up to lead in positive ways. Any officer who cannot do this is expected to resign so that a person who can do the job with the right attitude can be appointed to get the job done.

Before Seeking Office

Potential candidates are to be sure they have the attitudes to positively participate in and provide the leadership needed throughout the year. Candidates must be sure they can commit the time the position requires. Do not seek the office, get it and then later ask to be excused from any of the position's responsibilities. Others who ran and were defeated were fully prepared to carry out their duties and there were others who did not run because they knew they could not.

One year of previous Youth in Government experience required for Speaker and President. Governor Candidates must have two years of YG experience. Governor Candidates may count the current year participation as one of those two years.

It is not just to get the office – it is to carry out the commitments of the office.

Election Procedure at Youth in Government

Candidates demonstrate their ability to do the responsibilities of the position they seek. There is no campaign, campaign speech, campaign material, electronic or phone campaigns. Campaigning for office in the manner regularly observed in real-life politics is prohibited.

No person should be eliminated from running for office because of finances. Candidates do not "buy" an election because of "stuff" (i.e. buttons, giveaways, posters, flashy websites, business cards, etc.). It is also essential that the process of the election not overshadow the actual work being done at YLA Youth in Government or Model UN.

Candidates are to be elected based on their positions on issues, leadership and an informed electorate. We encourage members to explore the qualifications, leadership record, and character of each candidate seeking their support.

YLA reserves the right to rule on campaign-related issues that arise as a result of evolving technology. Candidates who do not follow approved campaign procedures may be disqualified from the election process.

Each YLA member is encouraged to take an active part (as a candidate, or as a voting member). Our purpose is to select the most qualified candidates for the job. Our purpose in running for offices to serve should never be overshadowed by the election process (campaigning).

Delegates are responsible to vote for the best candidate and are not to be influenced by their Advisor or other adults seeking to determine the outcome of an election.

Campaign Do's and Don'ts:

YES

- Conversations with delegates (one-on-one)
- Social Media use that is positive and does not attack other candidates. IF a candidate has a website, it must be created and hosted with absolutely no cost/expense associated with it whatsoever.
- Demonstration of abilities during each program

NO

- Speeches/campaigning during program (other than YLA-scheduled times)
- Buttons, posters, flyers, giveaways
- Social Media that attacks another candidate
- Signage/flyers at hotel or Capitol/Statehouse

Candidates Follow This Procedure

Chaplain candidates give a three (3) minute presentation that calls (challenges) the Legislature to its purpose. Chaplain candidates make presentations that demonstrate how they will perform their duties as Chaplain. Candidates for Chaplain may be asked to perform the duties of Chaplain during a session.

Clerk candidates sight read a Bill selected by the Presiding Officer.

Lt. Governor is an elected office in Ohio, not in WV. In WV YLA Youth in Government, the Senate President is the Lt. Governor. Candidates for Lt. Governor speak for 2 minutes on the "Role of the Lt. Governor in the Student Legislature."

President and Speaker candidates preside over a session of the Legislature using a Bill before the Legislature as determined by the Legislative Calendar or a Bill of their choice. The candidate selects the Bill, a person to be Clerk, Authors, Minority and Majority Reporters and Legislators to speak for and against the Bill. Candidates exhibit their knowledge of the procedure by conducting the session that lasts no more than five (5) minutes. The procedure used is:

"The Student Legislature is in session." (gavel to order)
"This being an extraordinary session, we will dispense with the Chaplain's message, and the reading of the Journal and the Order of the Day."
"Is the Author of the Bill present?" (Recognize the Author for a 30 second presentation of the Bill) "Is there a Majority Report?" (no more than 30 seconds)
"Is there a Minority Report?" (no more than 30 seconds)
"The question is, shall the Bill pass?"

After 3 to 5 minutes of discussion and debate, the Chair will call for the question and proceed with

the vote. "The question is, shall the Bill pass?" Those in favor say "aye." Those opposed, say "nay." (The Chair then declares the Bill passed or defeated.)

Governor candidates speak for 3 minutes on their "Legislative Agenda for the Student Legislature."
A word of advice to Governor candidates – Avoid making "deals" with other Governor candidates to appoint each other to the Governor's Cabinet. Upon election, one may find that defeated officer candidates may not be the best person(s) to appoint. Don't get boxed in.

There is always an opportunity during the appointment period to appoint one or more defeated candidates if they apply and appear the best person(s) for the job.

Voting Procedure

A simple majority of these eligible votes determines the winning candidate.

Officer	Eligible to
Governor	Legislators, Supreme Court Justices, Press, Lobbyists, Officers
Lt. Governor (Ohio only)	Legislators, Supreme Court Justices, Press, Lobbyists, Officers
Clerk & Chaplain	Legislators
Speaker	Members of the House
President	Members of the Senate
Chief Justice	Supreme Court Justices

Note – In case of an office with only one candidate, voters mark their ballot with a "Yes" if they vote in favor of the candidate or write "No" if they oppose. Write in and unmarked ballots are not counted.

Committee Chair & Vice Chair Qualifications & Responsibilities

Committee Chairs Qualifications

1. Ideally, one year experience as a Legislative Delegate;
2. Know the procedure, implement, and engage all committee members;
3. Effective facilitating groups;
4. Participates on an intellectual and productive level;
5. Organized, keeps accurate records, works with Bill Coordinator and Committee Advisor, has excellent verbal and writing skills.

Cannot be a Bill Partner with another Committee Chair or Vice Chair candidate.

Selection Procedure

1. Candidates submit an application that is endorsed by their Advisor.
2. The Speaker and President may begin Committee Chair appointments during the Summer Summit, at YLA conferences and retreats. In the event that Chair positions are open after these times, YLA staff may make appointments.

Opportunities to Learn and to Gain Leadership Experience as a Committee Chair

1. Committee Chairs are invited and welcome to participate in the Summer Summit as well as YLA conferences and retreats for training, practice, relationship building with other students, and experience leading including leading committees.

Bill Rating/Officer Training/Committee Chair Training in February needs the active participation of Committee Chairs. This is the first time Committee Chairs get to see the student legislation proposed for the April YG. Committee Chairs also play a key role in setting the Legislative Calendar (determining when Bills are considered) by participating in the Bill Rating Process.

Responsibilities

1. Prior to Youth in Government, study all Bills assigned to the Committee and review all Bills presented to YG. It is also helpful to contact the Bill Authors who will appear before the Committee, the Lobbyists, Cabinet members and Officers.
2. Represent the committee to the Bill Coordinator.
3. Carry out the Committee procedure.
4. Lead the Committee in active participation on the Floor in the debate on Bills referred by Committee. Get your Committee members to make the Committee's views known to all members during Floor sessions.

Committee Vice Chairs

Qualifications

- Able to preside in the absence of the Chair.

Selection

- Senate Vice Chairs may be appointed prior to YG or may be appointed by a Committee Chair at YG if their Committee needs a Vice Chair. Not all Committees may have a Vice Chair. Chairs who may be away from their Committee may ask a Committee member to preside in their absence.

Responsibilities

1. Serve as Clerk of the Committee.
2. Assist the Committee Chair.
3. Preside in the absence of the Chair. The Chair, Clerk or Vice Chair cannot be Legislative partners. Both cannot be absent from the Committee at the same time.

Youth Governor and Cabinet

Governor's Cabinet

The Governor appoints Cabinet members from those who meet the requirements for the office and who apply. Applications are accepted through the week after Youth in Government.

Cabinet members join the Governor and other officers at the June Leadership Summit at Horseshoe. The Officer Leadership Corps reviews the just completed Youth in Government, identifies improvements for the new year, train for their responsibilities and engage other students at the Summit in Youth in Government sessions so they will want to participate in YG as well as return home to encourage others to participate.

The Governor seeks the advice of the Cabinet as the Governor creates a Platform. At the end of the Summit the Governor assigns Cabinet members to head a department and/or area of interest (environment, economic development, safety, education, etc.). Cabinet members are then responsible to become expert in their area.

During the year, at YLA conferences and retreats and at Bill/Case Rating the Cabinet serves as resource persons in those interest areas plus advance the position of the Governor on the issues.

At Youth in Government the Cabinet represents the Governor's interests in Committees and with Legislators. Cabinet members listen to Committee hearings and floor debates in their area of interest, act as the Governor's advocate on related legislation, and report to and advise the Governor on legislation that reaches the Governor's desk.

Successful Cabinet members –

- Are informed in the areas they represent
- Understand the legislative process
- Have excellent people skills
- Can work on their own and as part of a team
- Are good listeners and good communicators
- Help Student Legislators, Lobbyists, Press, Page, and others succeed

Youth Chief Justice and Associate Justices

Associate Justices

The Chief Justice appoints Associate Justices from those who meet the requirements for the office and who apply. Applications are accepted through the week after Youth in Government.
Associate Justices join the Chief Justice and other officers at the June Leadership Summit at Horseshoe. The Chief Justice and Associate Justices review the just completed Student Supreme Court, identify improvements for the new year, train for their responsibilities and engage other students at the Summit in a Supreme Court session so they will want to participate in the Student Supreme Court at YG as well as return home to encourage others to participate in the YG Judicial program.

During the year, at Fall Conference and at Case Rating the Associate Justices assist the Chief Justice in rating the cases for consideration at YG.

Successful Associate Justices –

- Understand the YG Judicial process
- Have excellent people skills
- Can work on their own and as part of a team
- Are good listeners and good communicators
- Help others succeed

Officer Leadership Corps

YLA chapters, Youth in Government, Model United Nations Officers Lead in Building Better Futures

Officer Charter

Student officers strengthen, improve and expand all our youth programs to involve more students building better homes, schools and communities across our two states. Student officers are program leaders – in effect the youth program arm of our Ohio-West Virginia Youth Leadership Association Board.

Officers convene at a Leadership Summit at Horseshoe in June to organize, identify and plan how to strengthen all our programs, increase the numbers of students involved and the impact students will have creating the future. The opportunity is there to make differences for good building on and adding to the legacy of officer and member accomplishments that already include –

- A network of YLAs developing more informed, involved and prepared teenagers capable of governance who take responsible volunteer actions tackling issues from hunger to literacy – homelessness- entrepreneurship – safety – elderly - environment – bullying and more;
- Building Horseshoe in West Virginia into a life changing experience for hundreds of teens and children each year that is renewing the base of volunteers and leaders for our communities, state and nation;
- Launching the creation of a new nationally significant Center for Community Leadership at Cave Lake in Ohio to renew family, organizational, community, and civic life across Ohio with on-site programs for 31,000 and a statewide outreach to 6,000 youth;
- Creating one of Ohio's top ten Make A Difference Day projects at Cave Lake;
- Volunteer Teen Corps helping needy boys and girls at the Governor's Youth Opportunity Camps turn their lives to achievement;
- Using real life experience to propose legislation to the annual YG Student Legislature that every year helps hundreds of teens understand the role of state government as they propose legislative solutions for a better state;
- Enhancing understanding of the judicial system as students appeal cases to YG's Student Supreme Court;
- Opening windows on the world to teenagers presenting Resolutions in Model United Nations to solve international issues that impact the future as well as their communities, state, nation and world;
- Producing thousands of better citizens, local volunteers and leaders plus state and national leaders including former Ohio Governor and Peace Corps Director Richard Celeste, the late Ohio Chief Justice Tom Moyer, and Sylvia Mathews Burwell, Secretary of the Department of Health and Human Services;
- 26th Amendment to the United States Constitution granting the vote to 18 year olds;

A Call for Officers – Now is the Time to Build the Future!

Students with the interest, commitment and time are called to step up as local YLA officers, YG and UN officers to lead YLA to increased participation, effectiveness and achievement locally and in our states. Officers begin in June's Leadership Summit at Horseshoe.

Contact the YLA Leadership Center or your Advisor to get involved.

Officer Leadership Corps

Strengthening, Improving, Building Impact in our Schools, Communities and our Two States

The Ohio-West Virginia Youth Leadership Association Board counts on officers to lead YLA, YG and UN to success. Officers with the commitment, vision and time are needed. We need officers who want to make a difference! Our work begins at our Leadership Summits. The high school Summit and the middle school Summit are in June.

Officer Corps

YLA groups are real-life laboratories of citizenship where students learn how to organize and tackle issues confronting families, their schools and communities by creating, leading and governing local YLAs. Students apply classroom and life lessons to identify, plan and take volunteer actions to improve family, school and community life. YLAs build better futures by making differences for good!

Secure your Officers before May 20th and submit their names and contact information to YLA.

Have as many officers as possible – and for sure your new President – represents you at the June Leadership Summit at Horseshoe. Assure success by getting your officers trained and on board as part of our Officer Corps.

Youth in Government Officer Corps

YG officers review the just completed program, identify ways to improve YG for the New Year, establish goals for the year and lay out a plan of action. Officers engage other students in YG sessions to motivate them to participate and to return home ready to recruit their peers.

YG officers challenge everyone at the Summit to identify issues that need solved by the volunteer actions back home. Out of tackling issues like hunger, homelessness, the environment, needs of seniors, and other problems, students propose Legislation to YG's Student Legislature.

Officer positions elected by students at YG are Governor, Lt. Governor (Ohio only), Speaker, President, Clerks of the House and Senate, Chaplains of the House and Senate, Chief Justice. Appointment positions are Governor's Cabinet, Associate Justices, Press Editor and Committee Chairs.

Model United Nations Officer Corps

UN officers review the just completed program, identify ways to improve UN for the New Year, establish goals for the year and lay out a plan of action. Officers engage other students in UN sessions to motivate them to participate and to return home ready to recruit their peers. YLA will offer separate high school and middle school UN Assemblies.

UN officers challenge everyone at the Summit to identify international issues that need solutions and gain understanding how world issues impact their communities and future. Resolutions presented by students to the Model UN extend YLA's impact beyond the community and state to the world. Hunger, the environment, illiteracy, health and energy are just some world issues confronting our communities that YLA students tackle.

Officer positions elected by students at UN are President of the General Assembly, Secretary General, and Council Presidents. Appointment positions are Vice President of Councils.

CANDIDATE FOR GOVERNOR:
Michael (MJ) Niggemyer
Grafton YLA

1. This is my third year participating in Youth in Government: in 2022 I was a delegate, 2023 I was Secretary of Transportation, and I am currently Secretary of Economic Development.

2. I can work with others very well and am very open to anybody's opinion. I've led groups before and feel I am someone that can take action when needed. I also can come up with ideas to improve things and think I am a rather bright individual.

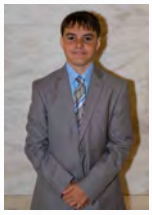
3. My style of leadership is to get as involved as possible I whatever I can to help better others. I work with others better than most people that I know, and most importantly I always try to do what I feel is right and will help others improve.

4. I currently run cross country during the fall, play basketball in the winter, and run track in the spring. Along with that I am an active member in Hispanic National Honors Society, National Honors Society, our YLA, Fellowship of Christian Athletes, and I am currently the Historian of our Future Business Leaders of America delegation.

5. I referee youth and scholastic sports within our community and the entirety of North Central West Virginia. I also volunteer to help coach the middle school track team in my free time in the spring.

6. The past two summers I have spent a combined 7 weeks volunteering at Camp Horseshoe for YOC. That experience has improved me as a human more than any other thing I have done.

Candidate for Governor:
Thomas Sibold
James Monroe YLA



Youth in Government Experience: My first experience with the YLA was in my 7th grade year during a virtual Fall conference event. After being exposed to all the great opportunities that I saw during this event I knew this organization was something I wanted to pursue. From there I attended the 8th grade youth in government seminars and became even more intrigued by the process of government. Inspired by this I attended the 2022 Youth in Government with my partner and followed the process from committee to the chamber and finally to the Governor's office. Concurrently during this session I was running for Senate clerk and was able to secure the position. The following year I served my position of Senate Clerk and was fortunately elected as this year's President of the Senate!

Qualifications for Office: YLA has always been something I've been involved in and I believe my experience with the program is what can set me apart. From working with the past governors and officers I have seen what has been successful and the positive traits of these various leaders. Growing with the program is something I have seen in myself and hope to continue. Going from not being able to speak to anyone I didn't know to addressing large crowds, I hope to inspire this in each and everyone of you.

Leadership style: Leadership is a subjective topic that can greatly vary from person to person, but I have noticed some common variables in the great leaders of history as well as some of the great leaders I've encountered on a personal basis. The first is being a good combination of Laissez Faire as well as being involved because based on my experience I know that being a leader is not just talking the most but rather letting the strengths of individuals in a group become the backbone of success. Furthermore, being able to guide the focus of the goal while also being confident enough to let your group know when they may be straying from the goal is imperative to excellent leadership and is something that will be incorporated into my governorship.

School involvement: At James Monroe I am an active member of many of the opportunities available to me. Firstly I am an active member of our school YLA club for the past 3 years. FCA is another club offered at James Monroe in which I attend every event and have led some smaller group sessions. Thirdly, Sports is an activity I have been involved in since I could walk, particularly soccer where I have been captain where our team has had the best record in the last decade. The other sport I am involved in is Track where I have found an unexpected enjoyment in running. Recently I joined our school's HOSA club where I attended the State Leadership Conference and served as the school's parliamentarian. Last year I was inducted into the National Honor Society and this was inducted into the National Technical Honor Society. Lastly I have been involved in the Model United Nations club where I have traveled to Boston for a competition and went to the YLA Model United Nations.

Community involvement: Outside of school my most active involvement is in our local 4-H club. Similar to YLA, 4-H has many community service projects which serve our local public. For example we annually make wreaths for the local town of Union for christmas as well going to a local nursing home to give flowers. 4-H also has a competition aspect of it where I have found success and gone to OKiahoma to the National Land Judging competition. There we won

first place in the nation as a team and I placed 3rd and 9th individually in two of the sections of competition. On top of Land Judging I competed in the National 4-H Quiz Bowl competition where I placed 7th individually. Youth soccer is something I have been involved in for the last year where I have refereed little league games and assisted in coaching.

Meaningful Service Project: This past summer I had the opportunity to volunteer at Youth Opportunity Camp, which if you ask anyone who has volunteered there it is one the most amazing opportunities available. I was able to be a counselor and a mentor to the youth at this camp. It was such an eye opening experience. From there I found my love for service to these grateful and jubilant youth who I found made me just as happy as I hoped to make them. Whether it is being their best friend for a week or just simply being able to comfort them the impact on me was immeasurable.

Candidate for Speaker of the House:
Lelia Brock
Mingo YLA

1. 1 previous year, House Delegate

2. If elected speaker of the House, I would be open to all views and I would effectively advocate for every member of the YLA. I would be prepared and responsible and jump on every opportunity to better Youth in Government and the YLA as a whole.

3. I feel I have a "transformational" leadership style. I like to make everyone feel involved and help people to break from their shells and become the best versions of themselves. I believe this style of leadership will help the other delegates because the best way to get the full experience and learn the most at YG is to participate in every way possible. With my style of leadership, I would help participants to meet new people and make new friends and to feel comfortable enough to participate.

4. My school is very small, so one thing I can participate in is Youth Group, which is an after school club where we plan community service projects to improve the community and our school. Outside of school, I am a young entrepreneur, as part owner of a small home baking business, Sprinkles Sweets.

5. By far, the most meaningful service experience was volunteering at the Youth Opportunity Camp. Working with and for children is one of my passions and spending my July working at Camp Horseshoe helping underprivileged kids was a perfect way to do that.

Candidate for Speaker of the House:
Kal-el Hill
John Marshall

Kal-el Hill

Past Youth in Government participation: I've always been extremely interested in government. When my best friend, Megan, told me about YLA my freshman year I knew it was something I wanted to pursue. When I joined my sophomore year, I immediately ran to be an officer of my delegation. When I got the chance to attend both Ohio and West Virginia YG last year I jumped at the offer. Being part of the judicial program in Ohio was an experience that not only introduced me to how YG works but also how to make friends, connections and build relationships. Although I enjoyed judicial, the legislative process was what I was most excited to be a part of. Writing a bill and fighting for something I thought was right was one of the best experiences of my life.

Qualifications for the office: As 2025 class president and a two-year officer of my delegation I have learned how to listen and respect other people's ideas and opinions and take them into consideration. I have learned to represent the interests of my fellow students and understand diverse perspectives. As class president I have worked to facilitate an environment where everyone feels they can express their opinions without judgement and have that opinion taken seriously. As I previously mentioned, I participated in both Judicial and Legislative programs at YG. This experience gives a unique perspective to the office. With experience in both programs, I can understand the complex issues that are at hand and the frustrations my fellow students may feel.

Style of leadership: If I am elected speaker, I will make sure that the environment is positive where people can feel safe, comfortable, and accepted. I want people to feel that they can speak freely and voice their ideas and opinions and know they will be heard. I will treat every bill that comes into the house chamber equally, no matter how much I may agree or disagree with it. I want people to know that they can talk to me not just about their bills but also as a friend. Making friends and connections, understanding people's point of view the most valuable tool to be an effective leader. June 21st, 1963, President Kennedy visited the mountain state and declared "The sun may not always shine here in West Virginia, but the people always do." That statement could not be truer, especially with the youth of this state and I would be honored to be a representative of you as Speaker of the House.

School Involvement: Outside of YLA a huge part of my life is music. I am a member of my school's marching and concert bands, symphony orchestra and musical theatre program. Earning membership to the International Thespian Society is one of my proudest achievements in High School. As previously mentioned, I am class president and on prom committee. I love history and reading as well.

Community Activities: Over the summer I participated in a musical put on by a small local theatre in my community. Performing for people is one of my favorite activities, getting to do that for such a supportive community is truly something special.

Meaningful Service Experience: For the past two years, I've volunteered to work concession stands to raise money for my class and for my YLA delegation. Doing this with my friends is always a fun way to get to know members of the community and learn valuable people skills.

Candidate for Speaker of the House:
Hannah Willis
James Monroe YLA

1. I attended the 8th grade seminars, 9th grade I was a bill author, and this upcoming year I will be the House Chaplain.
2. I have had three years of experience with Youth in Government and I am comfortable with public speaking.
3. I believe that everyone has something to offer so I often incorporate others when making a decision.
4. I am a member of FCA (Fellowship of Christian Athletes), FBLA (Future Business Leaders of America), Academic Showdown, and I have played varsity soccer for my high-school the past two years.
5. I like to help out with my church's functions and I have helped run History Bowl practices.
6. I helped to paint my church's campsite the week before camp was going to start. It made me realize how much went into running a camp and how much the people in my community cared about each other to take time out of their day to help with this. I loved being able to be a part of something that I enjoyed.

Candidate for House Clerk:
Zoe Zervos
John Marshall YLA

Officer nomination form questions- House Clerk

1. For the past three years, I have attended Camp Horseshoe, and, as of this past fall, have attended fall conference. I have never held a position before for this is my first year being within the schools program, but am hoping to obtain one for the future.
2. Some of the attributes that I believe I have include good communicational skills, strong reading and writing abilities, and an open mind. I feel as though these qualities are suitable for the position and are needed to in order to be successful. Another qualification that I can bring is another perspective, and working with others to discuss various ideas.
3. I tend to lead towards a motivational-type style of leadership. Based on past experiences, I have come to believe this is the most effective and efficient way to get things done. Encouragement helps in keeping everyone in positive spirits, and gets much more accomplished.
4. Aside from being in YLA, I am also a member of the student council program. Some sports teams I participate in include soccer, cross country, swimming, and track. I have been playing the violin in the school system for 10 years now. I am a co-manager of an in school business called monarch grounds, a student owned coffee shop.

5. In my community, I volunteer for the Wheeling Symphony Student Program, in which I set up and tear down for various events that occur in my area. I also attend various strings programs, such as my local youth symphony and play in the orchestra there. I volunteer with my church's programs as well, with things such as making holiday meals for those in need.
6. One especially meaningful service I took part in was with the Wheeling Elks association. More than 4,000 dollars worth of thanksgiving food items were donated, such as gravy, beans, stuffing, biscuits, and other food items. Our delegation worked at packing boxes and boxes of these meals, and were able to give away hundreds of meals for those in need. This service really made me feel as though I was helping out in my society and making a difference along with so many others.

Candidate House Chaplain:
Maxine Brock
Mingo YLA

1. One previous year as a House Delegate.

2. As the House Chaplin, I will provide effective communication skills, inclusion of all races and religions, and the ability to recite a prayer loudly and clearly.

3. I believe my style of leadership is very sympathetic. I like to hear everyone's opinions and conflicts and advise them in the right direction. As a leader, I create a positive and supportive environment where team members feel valued, respected, and motivated to perform their best.

4. My school is extremely small, but we do have a Youth Group that I am currently the president of. We provide for our school and community and participate in fellowshiping activities.

5. I am a small business co-owner of Sprinkles' Sweets and a part of my local Chamber of Commerce.

6. The most meaningful service experience I have ever had is by far volunteering at Camp Horseshoe for the Youth Opportunity Camp. I have been for a total of 4 weeks in 2 years and I do not regret a single second. Being able to help those kids has been such a fulfilling opportunity and I hope that I was as impactful to those kids as they were to me. YOC has changed my perspective on life for the better.

Candidate for President of the Senate:
Gavin French
James Monroe

Past YG Participation: Since my freshman year, I have been heavily involved in YLA and its programs. I held no position as a freshman but was introduced to some responsibilities as a vice chair during my sophomore year. As a junior, I am now the Senate Clerk and hope to continue my tenure as an officer.

Qualifications: Starting in middle school, I searched for ways to expand my leadership abilities, and push myself personally to grow in as many ways possible. I have been class president since 8th grade and have helped voice the opinions and needs of my peers through this position. I try my hardest to delegate decisions to those I interact with, and make sure that every opinion is understood, respected, and considered when deciding for the betterment of my class/school.

Style of Leadership: This method of leadership is one that I hope to apply to my peers in YLA as well, instead of becoming too assertive and making rash assumptions that don't suit the needs of my group. Taking action towards adversity is very important to successful leadership, and I hope to spearhead any issues that arise during my time in YLA as an officer.

Extracurricular Activities/Community Interests: I play Football and am a member of Marching/Concert Band playing tuba, and I participate in YLA MUN as well. Earlier this year, I was given an opportunity to attend HMUN as a delegate of Syria as well, which was a very engaging and fun experience. With my membership in SGA, I am given many opportunities to serve my community which allows me to stay connected with groups outside of school, such as the American Legion and local food pantries. I take every chance I get to serve others and better my community, to show gratitude for the support it shows to our school and programs. I have also served communities outside of my local area, through YLA.

Meaningful Service Experience: This summer, I took advantage of an offer to be a counselor at YOC, which completely changed my perspective on so many things. Throughout my time there, I made bonds and formed relationships with so many amazing kids who engaged with me every day and progressed so much during their time at camp. The examples of kindness and compassion that they showed to each other, and the leaps and bounds they made when dealing with conflicts let me see how strong and powerful people can be when working towards a common goal. I hope to attend YOC again this year for the entire month and continue helping others as much as I can.

Candidate for President of the Senate:
Sarah McBee
John Marshall YLA

1. Despite being a sophomore, I have accumulated a significant amount of Youth in Government experience. My 8th year I was selected along with three others from my school to attend Youth in Government Seminars. Like YG, YGS is a jam-packed weekend that provides participants from around the state with an introduction to government in our very capital. This weekend was pivotal to my passion for government; I've been with obsessed with learning, observing, and now being an active participant in each of my YG roles. Last year, due to band conflicts, my delegation was allowed to attend both Ohio and West Virginia YG. In some miraculous manner, we were short an attorney for Ohio YG, and I was the fill-in. Throughout the weekend, I became increasingly more aware of how interactive, hands-on programs like YG have the power to teach its participants so much more than a textbook ever could. Eventually, I lost my case 3-4. It was a very humbling defeat, and I believe it has encouraged me to better understand both sides of an argument no matter how compelling each may be. At West Virginia YG, I found myself a member of the escort committee. For the freshman I was, this was a dream come true. I was escorting the very people that I had learned about from school and on the news. The newfound confidence I acquired from my role as an escort had me on my toes. The entire weekend, I was ready to pounce at any and every opportunity to come my way. When in need of a volunteer Senate Chaplain, I found myself on my feet before I could even realize what I was doing. That YG, I was the stand-in Chaplain, and I figured I might as well apply for the same role the following year—bringing us to the present YG where I am serving as your Senate Chaplain.

2. I am known for my public speaking, friendliness, reliability, and integrity. I believe that, although these qualities plus my critical thinking establishes the basis of my decisions, my ability to understand my peers and advocate of their behalf is ultimately why I meet the qualifications of this office.

3. To sum up my leadership style in one word: adaptive. Regardless of the obstacle, my intuition and innovation persevere. In a quiet room, I can spark conversation, and in a room that is off-topic, I can redirect it. Often approached with the scenario of being in a room with the best leaders in the region, my leadership style shifts to a buffer. I encourage my peers to watch myself and other leaders in hopes that they pick up on some of our tactics. The best leaders tend to influence the minds and strategies of others; I strive to do just that. By allowing those I lead to solidify their own personal leadership styles, success for all delegates is on the horizon.

4. Each of my hobbies must meet two mere requirements: what experience can I gain, and how much enjoyment will it bring me? For example, I have played the viola (an instrument quite like the violin) for six years and began to learn tuba January of this year. Though I have no intention of having a music-involving career, I am frequently

surrounded by musical opportunities. Each orchestra I rehearse for, each tricky rhythm, or each awkward key signature teaches me persistence. When I attend a gig and sightread the music, I am taught to stay alert to maximize the performance quality. In short, music gives me something to look forward to daily and overwhelms me with useful experience for any future career. Continuously, I play soccer and tennis and am treasurer of John Marshall YLA.

5. A fair share of my time is spent volunteering. For three years, I have volunteered at the Oglebay Good Zoo, occasionally assisting docents but typically providing guests with a good time. Whether it was introducing families to the goats, giving a history of our lemurs, or holding a skink for a child to pet, I enjoyed engaging with the public in a learning environment. Similarly, throughout the winter this year, I have assisted at the wrestling and basketball game concession stands. The proceeds benefit both YLA and the junior class. At the concession stand, I quickly memorized the prices of each item and consistently served customers with speed and a smile. I found myself preferring to spend my free time at the sporting events and speaking to people from our home team and those who came to oppose us. My time spent at both the zoo and the concession stand brought me insight into the community that I aspire to familiarize myself with.

6. The selective orchestra at John Marshall High School, known as Chamber Orchestra, play gigs around the surrounding region. A few days before Christmas, we played recognizable jolly tunes in the open space of the Ohio Valley Mall. We set out chairs for those that wanted to stick around, but we also set up in a space ideal for catching those that were simply walking by with the net of Christmas spirit. After playing for an hour, we began to pack up and dissipate. My friend and I waited around with our strings teacher to pack up stands when we were approached by the parent of a fellow student. She told us how a man sitting beside her praised our playing. Later, when our performance was posted on our school's Facebook, the man added a comment in his own words. He told the world how, when some of his wife's family and himself stopped at the mall before travelling the rest of the way to Pittsburg to see the Trans-Siberian Orchestra, he stumbled upon our playing. For 20-30 minutes, he listened to us play the "purest" Christmas music he had heard in a long time. At the end of the comment, he thanked us and wished us a Merry Christmas. Until his comment, I was completely unaware of the impact our local live music could have on the community. This encounter inspired me to give more of my time and energy to my community, and it truly showed me just how meaningful a service experience can be.

Candidate for Senate Clerk:

Name: Cole Fogus
Office Seeking: Senate Clerk
Delegation: James Monroe Leadership Alliance
School: James Monroe High School
Grade: Tenth (10th)

Questions and Answers:

1. Q: Past Youth in Government participation (years and position)
   A: When I was in the eighth grade I attended the Youth in Government Seminar in Charleston in 2022 through the WV History Bowl program. The following year, my freshman year of high school, I joined my school's YLA program and attended the 2023 WV Youth in Government as a Senator in the WV Student Legislature. I had a bill written, but it unfortuantely failed in committee. That year I was freshman class president through the Youth Government program. My sophomore year, this year, I am attending the 2024 WV Youth in Government as a Senator in the WV Student Legislature with a written bill that I am hoping will pass. This year I was also granted the position of Chaplain of my school's YLA program.

2. Q: Qualifications for the office - what do you bring to the office?
   A: My qualifications for the position include my intellect in academics, my strong leadership skills, ability to fluently read and write, experience with leadership as well as my ability to successfully balance a part time job along with my academics and extracurricular activities, and my ability to speak well in public.

3. Q: Style of Leadership and how it will help other delegates succeed
   A: I believe that my style of leadership cannot be defined by just one style. I lead assertively, honor seniority, and think that true democracy by delegated officials is the best course of action in government. My style of leadership will help other delegates succeed by me being willing and looking to help other delegates when they

need it. I will value every individual's opinion and will not condemn someone for their beliefs.

4. Q: School interests and activities
   A: My school interests include a passion for English as well as a love to read books. I also share the same passion for elementary education and counseling. My school activities include YLA, concert band in the winter and spring, and marching band in the summer and fall.

5. Q: Community interests and activities
   A: Community interests include general public service and some interest in my county's historical society. Community activities include being in most of the parades in my area through my school's marching band.

6. Q: An especially meaningful service experience
   A: Every year near Christmas and Thanksgiving the entire band at my school writes Christmas cards and we go play Christmas music at the nursing home in my community. I take great pride in that because I know that the people in those homes are sometimes lonely, especially around the holidays. My great grandparents and great aunt have been in those situations and loved when anything like that happened.

YOUTH LEADERSHIP ASSOCIATION

2025 Certification of Officer Nomination for

West Virginia Youth in Government Instructions

2. Certify by signature of the Delegation Leader that -

   A. Nominees meet the qualifications for the office,

   B. Nominees will participate on an intellectual and productive level in the performance of their duties including attendance for the total time at the programs required of West Virginia YG Officers.

   C. The nominee(s) have won the nomination of our local Delegation.

Please Type

Delegation Name _____ Delegation Leader _____

School _____ Signature _____ Date _____

	Nominee Name
President of the Senate	Nominations Closed
Speaker of the House	Nominations Closed
Clerk (Specify House or Senate)	Nominations Closed
Chaplain (Specify House or Senate)	**House Chaplain** Nominations Closed
Governor	Nominations Closed
Chief Justice	

Must be in the Judicial Program to run for Chief Justice.

It is YLA policy that an officer who does not participate in the Leadership Summit at Horseshoe in June will be removed from office since they are not there to perform their duties. The newly-appointed officer would then complete the term of office through the April YG Conference.

2025 Officer Nomination Form - WV Youth in Government
Each Nominee Completes and Submits this form by 6:00 pm on Fri. April 26, 2024, at WV YG to the Bill Coordinator

Nominee Name_____Office Seeking _____

Address_____City_____State_____

Zip_____Cell Phone_____ Home Phone _____

Email_____

Delegation_____ School_____

Answer these questions (Attach additional sheet)

1. Past Youth in Government participation (years and position);
2. Qualifications for the office - what do you bring to the office?
3. Style of Leadership and how it will help other delegates succeed;
4. School interests and activities;
5. Community interests and activities;
6. An especially meaningful service experience.

It is YLA policy that an officer who does not participate in the Leadership Summit at Horseshoe in June will be removed from office since they are not there to perform their duties. The newly-appointed officer would then complete the term of office through the April YG Conference.

I attest that this information is true and accurate to the best of my knowledge and that if elected I will carry out my responsibilities as outlined in the manual.

I have spoken with my parents about the responsibilities, time, commitments, and that if elected my first responsibility is participation in the June 16 - 22, 2024 Leadership Summit at Horseshoe. My parents understand and support me and the responsibilities of office.

Signature_____**Date** _____
Student Candidate

This delegate has the qualifications for this office and has my support.

Signature_____**Date** _____

Advisor / Delegation Leader

Application for 2025 WV YLA Youth in Government
Governor's Cabinet
Submit no later than May 5, 2024

Applicant's Name:_____Delegation:_____

Address:_____City:_____State: _____

Zip_____Cell Phone_____Home Phone_____

Email_____

Year of Graduation _____

My previous Youth in Government Participation (years and position) include:

_____

_____

Explain how your leadership style, experience, commitment, time, and ideas for and about Youth in Government qualify you for this position. Attach an additional sheet with your answers as needed.

If appointed to the Cabinet by the Youth Governor, I will carry out my responsibilities as outlined above.

Applicant's Signature:_____Date:_____

I support this application and understand the responsibilities expected of a Cabinet member.

Parent's Signature:_____Date:_____

Advisor's Signature:_____Date: _____

Return application to WV Youth in Government, Youth Leadership Association, *522 Sandhill Road, Point Pleasant, WV 25550*
304-675-5899

Application for 2025 WV YLA Youth in Government Associate Justice

Submit no later than May 5, 2024

Applicant's Name:_____Delegation:_____

Address:_____City:_____State: _____

Zip_____Cell Phone_____Home Phone_____

Email_____

Year of Graduation _____

My previous Youth in Government Participation (years and position) include:

_____

_____

Explain how your leadership style, experience, commitment, time, and ideas for and about Youth in Government qualify you for this position. Attach an additional sheet with your answers as needed.

If appointed to the Cabinet by the Youth Governor, I will carry out my responsibilities as outlined above.

Applicant's Signature:_____Date:_____

I support this application and understand the responsibilities expected of a Cabinet member.

Parent's Signature:_____Date:_____

Advisor's Signature:_____Date: _____

Return application to *WV Youth in Government*
522 Sandhill Road Point Pleasant, WV 25550
304-675-5899

2025 WV YLA Youth in Government
Committee Chair or Vice Chair Application
Submit no later than May 5, 2024

Please Type or Print

Delegation Name _____

Name _____
First Middle Last Email Address

Address _____ County _____

City _____ State _____ Zip _____

Cell Phone _____ Home Phone _____ Grad. Yr. _____

Email _____

My previous Youth in Government Participation (years and position) include: _____

_____

I am qualified to be a Committee Chair because: _____

_____

_____

I will help the Committee be a successful experience to all members and those who appear before the

Committee by: _____

_____

_____

If selected I will make every effort to participate in the June Leadership Summit at Horseshoe and the Fall Conference. I will participate in the Bill Rating/Training in Charleston in February.

Parent's Signature: _____ Date: _____

Advisor's Signature: _____ Date: _____

On other side, this application, the Delegation explains why they do or do not support this application for Committee leadership. The explanation is to be signed by your Advisor.

Return application to West Virginia Youth in Government, Youth Leadership Association,
522 Sandhill Road Point Pleasant, WV 25550
304-675-5899

2025 WV YLA Youth in Government
Application for Press Editor Submit
no later than May 5, 2024

Delegation Name _____

Name_____
First Middle Last Email Address

Address_____County _____

City_____State_____ Zip _____

Cell Phone_____Home Phone_____Grad. Yr. _____

Previous Youth in Government Experience (list years and position): _____

_____

Explain how your leadership style, experience, commitment, time, and ideas for and about the YG Press qualify you for this position. Include any experience you have in writing and with a newsletter or other publication. Attach an additional sheet with your answers as needed.

If appointed Press Editor, I will carry out my responsibilities as outlined above.

Applicant's Signature:_____Date: _____

I support this application and understand the responsibilities expected of a Press Editor.

Parent's Signature:_____Date:_____

Advisor's Signature:_____ Date: _____

Return application to WV Youth in Government, Youth Leadership Association,
522 Sandhill Road Point Pleasant, WV 25550 phone: 304-675-5899

ENTREPRENEURSHIP SUMMIT

at CAMP HORSESHOE

June 9-15,2024

Entrepreneurship Leadership Service Philanthropy Character

- ***Meet real-life entrepreneurs***
- ***Learn the secrets of success in business***
- ***Team-building leadership adventures***
- ***Learn from a panel of entrepreneurship experts***
- ***Explore the outdoors***
- ***Best food of your life!***
- ***Connect with teens from across the state***
- ***Get ideas to help your community***

Dare to Make a Difference—

Learn the basics of entrepreneurship by creating your own business from the ground up with a team of peers!

We'll learn the basics of starting a business, discover an entrepreneurial mindset, build community, make connections with teens from across the state, and learn how to make a difference for good at home, school, and beyond.

Invest one week at Horseshoe and you'll gain skills, friendships, and memories to last a lifetime.

Who is Eligible?

ANY rising 9th—12th grade students who want to learn, participate and build their futures are eligible.

Scholarships

Students, parents, or local sponsors may pay the total fee or a student may apply for a scholarship provided by business, industry, civic groups, foundations, individuals, and others.

Getting Down to Business!

Learn by doing with other teens, college age counselors, business people, entrepreneurs, and others engaging in the principles of business and entrepreneurship.

Leadership

Practice skills of organization to get things done, communication, teamwork, and how to help groups succeed through effective governance.

Friendship!

You'll make **friends for a lifetime** with people who care, listen, and encourage you.

Fun!

Be ready for days full of great times in active learning sessions with plenty time for **recreation, sports, music, the great outdoors, campfires, Variety Show, swimming, and much more!**

Service

You'll experience the value of doing good things for others, how to improve your school and community, and basically how to build a better world.

Arrival/Departure

Sunday 2 pm to Saturday 9 am. Only register if you can and will attend for the **total time.**

To Register

Register online at:
Ylaleads.org

or mail registration form to:

Entrepreneurship Summit
Horseshoe Leadership Center
3309 Horseshoe Run Road
Parsons, WV 26287

Teens tell their friends why they should attend Entrepreneurship Summit

"I was sponsored by my local service club to attend camp. I am thankful to have this opportunity to connect with so many West Virginia Entrepreneur's and peer entrepreneur's. This was a great experience.

—A Happy Camper

"This way my first time at a summer camp. I had so much fun. I made so many new friends and had so many new experiences. I am not typically an outgoing person, but I got really out of my comfort zone this week. I also learned many things about entrepreneurship. We did a simulation marketplace where we had to build a business from the ground up. I really enjoyed it. We also went on a field trip and learned many things from local entrepreneurs." - Lelia Brock, Williamson, WV, Mingo Central High School

HIGHLIGHTS:

Marketplace Simulation with business professionals

Field trip touring industries and small businesses in historic Davis and Thomas, WV

The Incredible Journey

Variety Show

Campfires

Home-cooked meals

Cabin living

Swimming

Hikes

Hands-on workshops

Outdoor Challenge Course

Nature exploration

Tour Blackwater Falls State Park

Create a business idea and redesign a community

Service projects

Introduction to Youth in Government, Model United Nations, and other YLA programs

Dancing

Sports

Music

Special Interest Time

Fun, Friends, Learning!

47th Annual
Teen Entrepreneurship Summit
Horseshoe Leadership Center
June 9-15, 2024

To be completed by Student

Name_____Home Phone_____County _____

Address_____City_____State_____Zip _____

Age_____ Date of Birth_____ ____Male ____Female Grade in Fall _____

Camper E-mail_____ Campers Cell Phone _____ School in Fall_____

Parent 1 Name_____ Parent 2 Name_____

Parent 1 Cell Phone & E-mail _____ Parents 2 Cell Phone & E-mail _____

Place of employment_____ Place of employment_____

Telephone (for emergency)_____ Telephone (for emergency)_____

Name & E-Mail Address of Local Newspaper (we try to recognize all participants with news releases)

_____

Affirmative Action Survey: Funding agencies require periodic report on the sex, ethnicity, and disability status of the applicants. This data is for analysis and affirmation action only. **Submission of this information is voluntary.** *Check all that apply:*

__ American Indian/Alaska Native __ Asian __ Black or African American

__ Hispanic or Latino __ White __ Native Hawaiian or Other Pacific Islander

1. **Fee Per Student: $320 when paid by May 15 $365 when paid After May 15**

Note: Each session is limited to no more than eighty (80) male and eighty (80) female. Register early to secure a place.

(Teen Entrepreneurship Summit has scholarships available, WV student pays just **$75**, and has section 4 completed.)

Payment: ___ Check enclosed* ___ Master Card ___ Discover ___ VISA Amount Paid $ _____

Card #_____Exp. Date _____

Card Holder Signature_____Date _____

* make check payable to "YLA". All payments must be received at the Horseshoe office on or before May 15th to receive the discount, this includes those filling electronically.

2. **If part or all of your fee is paid to Horseshoe by a local sponsor, please list them here:**

Name of Service Club, or other group _____

Address_____City_____State_____Zip _____

Contact Person for this group_____Phone _____

Amount paid to Horseshoe $_____

(complete other side)

Horseshoe Is For Teens Who Are

- *Interested in learning and developing social, civic, leadership, service, entrepreneurial skills;*
- *Positive in meeting and working with others, participating, helping others and groups succeed;*
- *Doers – who do their part to keep a place and activities clean, safe and positive for others;*
- *Ready to live away from home with more than 100 teens, to step out of their daily routine into a new world of activities and experiences;*
- *Committed to building real relationships by "unplugging" from the virtual world to meet face- to-face with other teens and adults without the distractions of the electronic world (cell phones, internet, television, etc.).*
- *Able to be a key part of the week's success in the lives of others and to take what's learned home to make their homes, schools, organizations and communities better places for all.*

3. Agreements

I attest that if my application to attend is accepted, I will attend the total Summit beginning Sunday afternoon and ending after breakfast on Saturday. I will not ask to come later or leave early. I will not take the place of a person who can attend the whole week so I can be accommodated for only part of the week. __ YES __ NO

X _____ _____
Applicant Signature Date

I support my son/daughter's application and participation in this program at Horseshoe. I certify they are free of habits or attitudes that would make them a negative participant and that my child is amenable to positive group life in a camp setting. I authorize Horseshoe (Ohio-West Virginia Youth Leadership Association) to have and use the name, photographs, slides, digital images, or video tape of the person named on this application as may be needed for its records or public relations programs including its web site and news releases. __ YES __ NO

X _____ _____
Parent/Guardian Signature Date

4. Reference for Financial Aid

Students seeking financial aid from Horseshoe, please have the School Principal or Designated School Official sign this reference.

This student has shown interest in this program and is capable of positively participating in a week-long residential program. I support their application without any reservation.

X _____ _____ _____
Principal/Official Signature School Date

5. Send completed application to:

Teen Entrepreneurship Summit
Horseshoe Leadership Center
3309 Horseshoe Run Road
Parsons, WV 26287-9029
Phone - 304-478-2481
Fax - 304-478-4446

To make Horseshoe affordable to as many as possible, Horseshoe fees are about one-half of our actual costs. The total fee of $365 is reduced to $320 for those who pay the total amount by May 15. Refunds: $75 of the fee reserves a place and is for administrative/processing expenses. IT IS NOT REFUNDABLE OR TRANSFERABLE. The balance of the fee may be refunded if Horseshoe is notified in writing two weeks prior to the camp week.

LEADERSHIP SUMMIT

at CAMP HORSESHOE

June 16-22, 2024

YLA® YOUTH LEADERSHIP ASSOCIATION

Character · Leadership · Service · Entrepreneurship · Philanthropy

JOIN US THIS SUMMER AT CAMP HORSESHOE FOR AN UNFORGETTABLE WEEK!

- ***Brainstorm and network with youth from across Ohio and West Virginia***
- ***Practice skills for Youth in Government and Model United Nations***
- ***Strengthen connections and friendships***
- ***Team-building leadership adventures***
- ***Explore the great outdoors***
- ***Best food of your life!***
- ***Get ideas to help your community, school, and local YLA chapter***

Prepare for Success —

Gather with youth leadership officers, interested teens, and other service-minded people to make a real difference for good.
Discover your potential by expanding your mind and developing skills for leadership success. Plus, learn how to lead your student groups with excellence.
Invest one week at Horseshoe and you'll gain skills, friendships, adventures, and memories to last a lifetime.

Who is Eligible?
ANY rising 9th– 12th grade students who want to learn, participate and build their futures are eligible.

Scholarships
Students, parents, community organizations, or local sponsors may pay the total fee OR individual YLA chapters can organize fundraising events to help their members participate.

Leadership
Practice skills of organization to get things done, communication, teamwork, and how to help groups succeed through effective governance.

Friendship!
You'll make **friends for a lifetime** with people who care, listen, and encourage you.

Fun!
Be ready for days full of great times in active learning sessions with plenty time for **recreation, sports, music, the great outdoors, campfires, Variety Show, creek exploring , and much more!**

Service
You'll experience the value of doing good things for others, how to improve your school and community, and basically how to build a better world.

Arrival/Departure
Sunday 2 pm to Saturday 9 am. Only register if you can and will attend for the **total time.**

To Register:

Register online at:
www.ylaleads.org

or mail registration form to:

Leadership Summit
Horseshoe Leadership Center
3309 Horseshoe Run Road
Parsons, WV 26287-9029

Horseshoe Leadership Center
3309 Horseshoe Run Road
Parsons, WV 26287-9029
(304) 478-2481
www.ylaleads.org

Here's why teens say "You've got to get to Horseshoe!"

"Leadership camp is an amazing way to spend a week of your summer. You get to meet so many people who will become lifelong friends and you get to make so many memories you can cherish forever. You are pushed to try new things and you leave a better person than you came. You don't want to miss the opportunity!"

Lele Brock—Chapter President—Tug Valley Chamber of Commerce

Leadership camp was a positive experience that helped me make connections and make new friends with other YLA members from around the state and even Ohio! Nothing is better than looking up at the stars with your new friends at camp!

Lauren Rice—John Marshall High School

HIGHLIGHTS:

- Youth Officer planning sessions
- Keynote speakers
- Variety Show
- Campfires
- Home-cooked meals
- Cabin living
- Creek exploring
- Hikes
- Hands-on workshops
- Outdoor Challenge Course
- Nature exploration
- Service projects
- Team building adventures
- Youth in Government
- Model United Nations
- How to start a YLA chapter
- Community action ideas
- Dance
- Sports
- Music
- Goal Setting
- Camp Traditions
- Special Interest Time
- Fun, Friends, Learning!

Teen Leadership Summit
Horseshoe Leadership Center
June 16 – 22, 2024

1. To be completed by Student

Name_____Home Phone_____County _____

Mailing Address_____City_____State_____Zip _____

Age _____ Date of Birth _____ ___ Male ___Female Grade in Fall _____

Camper E-mail_____ Cell Phone_____ School in Fall _____

Are you in a YLA group or HI-Y? ____Y ____N Group Name _____

Parent 1 Name _____ Parent 2 Name _____

Parent 1 Cell Phone & E-mail _____ Parent 2 Cell Phone & E-mail _____

Place of employment _____ Place of employment _____

Telephone (for emergency) _____ Telephone (for emergency _____

Name & E-Mail Address of Local Newspaper (we try to recognize all participants with news releases)

_____

Affirmative Action Survey: Funding agencies require periodic report on the sex, ethnicity, and disability status of the applicants. This data is for analysis and affirmation action only. **Submission of this information is voluntary.** *Check all that apply:*

__ American Indian/Alaska Native __ Asian __ Black or African American

__ Hispanic or Latino __ White __ Native Hawaiian or Other Pacific Islander

2. Fee Per Student: $320 when paid by May 15 $365 when paid After May 15

Note: Each session is limited to no more than eighty (80) male and eighty (80) female. Register early to secure a place.

Payment: ___*Check enclosed ___Master Card ___Discover ___VISA Amount Paid $_____

* make check payable to OH-WV YLA. All payments must be received at the Horseshoe office on or before May 15th to receive the discount, this includes those filling electronically.

Now charging 3% convenience fee for all credit card transactions starting January 1st 2023.

Card #_____Exp. Date _____

Card Holder Signature_____Date _____

3. If part or all of your fee is paid to Horseshoe by a local sponsor, please list them here:

Name of Service Club, or other group _____

Address_____City_____State_____Zip _____

Contact Person for this group_____Phone _____

Amount paid to Horseshoe $_____.

(Please complete the other side of this form.)

Horseshoe Is For Teens Who Are

- *Interested in learning and developing social, civic, leadership, service, entrepreneurial skills;*
- *Positive in meeting and working with others, participating, helping others and groups succeed;*
- *Doers – who do their part to keep a place and activities clean, safe and positive for others;*
- *Ready to live away from home with more than 100 teens, to step out of their daily routine into a new world of activities and experiences;*
- *Committed to building real relationships by "unplugging" from the virtual world to meet face- to-face with other teens and adults without the distractions of the electronic world (cell phones, internet, television, etc.).*
- *Able to be a key part of the week's success in the lives of others and to take what's learned home to make their homes, schools, organizations and communities better places for all.*

4. Agreements

I attest that if my application to attend is accepted, I will attend the total conference beginning Sunday afternoon and ending after breakfast on Saturday. I will not ask to come later or leave early. I will not take the place of a person who can attend the whole week so I can be accommodated for only part of the week. __ *YES* __ *NO*

Applicant Signature _____ Date _____

I support my son/daughter's application and participation in this program at Horseshoe. I certify they are free of habits or attitudes that would make them a negative participant and that my child is amenable to positive group life in a camp setting. I authorize Horseshoe (Ohio-West Virginia Youth Leadership Association) to have and use the name, photographs, slides, digital images, or video tape of the person named on this application as may be needed for its records or public relations programs including its web site and news releases. __ *YES* __ *NO*

Parent/Guardian Signature _____ Date _____

5. Send completed application to:

Horseshoe Leadership Center
3309 Horseshoe Run Road
Parsons, WV 26287-9029
Phone (304) 478-2481

To make Horseshoe affordable to as many as possible, Horseshoe fees are about one-half of our actual costs. The total fee of $365 is reduced to $315 for those who pay the total amount by May 15. Refunds: $75 of the fee reserves a place and is for administrative/processing expenses. IT IS NOT REFUNDABLE OR TRANSFERABLE. The balance of the fee may be refunded if Horseshoe is notified in writing two weeks prior to the camp week.

Horseshoe Leadership Center, a partner with the Monongahela National Forest and USDA, is an equal opportunity provider and employer.

Server/FORMS – Printable/2023-CH-LE Summits Application

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