April 23 – 25, 2025 Capitol – Charleston, WV

Judicial Book Table of Contents

Thank you to all the advisors for the hard work, dedication, and support you put into your YLA Chapter and the Youth in Government program. You are the strength that keeps our staff pushing forward every year to try to produce the best program possible. You are the inspiration your students need to strive for successful futures.

Thank you to the Youth in Government officers and participants. You encourage us to keep striving to make the program better for the upcoming youth. We listen to your suggestions and do our best to implement what we can. The YLA staff hopes we have instilled in you to keep on bettering your community, school, state, country and the world. You are the future!

If this is your last year in YLA, your time with us doesn't have to be over. You now have the chance to be that alumni/mentor that uplifts a struggling youth to see who they can become and find their purpose. We hope you will keep in touch with YLA after high school. Email, call, text or volunteer...we want to know how you are, where you are, and what you are doing because YOU are going places for the betterment of the world.

Thank you for attending the 2026 Youth in Government. We hope you have enjoyed it as much as we have.

Welcome to the 68th session of the West Virginia Youth in Government!

It is such a pleasure to welcome you to a storied event like this one. This unique opportunity allows you to learn about the legislative process by directly being involved. If you feel comfortable, I implore you to take full advantage of what is being presented and make an impact on your state for the better. We, the youth, have the most powerful say in what our future holds so use that passion here to create a better future for yourself and others around you. If you don't feel as comfortable, use this space to meet new friends who might become lifelong. Push yourself to engage in a conversation or just make it an opportunity to better yourself in some shape or form. I can attest to the impact that this event has had on myself and the hundreds of people I have met.

No matter how you spend your time here, I want to thank you for attending and providing your unique input though your own experiences.

I would also like to take this opportunity to thank those who have had a hand in making this event possible. From the chapter advisors to parents and volunteers, every single one of you plays a role that is greatly appreciated. A special thank you to the administrators of the Youth Leadership Association for their immense dedication in organizing Youth in Government.

Best Regards,

Thomas Sibold
2025 West Virginia Youth Governor

Hello everyone, and welcome to the 68th Annual West Virginia Youth In Government!

To those who do not know me yet, my name is Shelby Plants, and I am from Point Pleasant, West Virginia. I have the honor of serving as the 2025 Youth Chief Justice. I am beyond excited to meet all the new people who are attending this event for the first time and reconnecting with my friends from all over our wonderful state.

I truly believe that YG is the most valuable event a high school student can attend. It can help young people like us learn about our government and how it actually works. Before attending Youth in Government, I had no idea what the 3 branches of government were. Now, not only do I understand them, but I can also explain their roles. All thanks to my time in YG. Youth in Government has inspired me to become a prosecuting attorney. After high school, I plan on going to Ohio University and majoring in pre-law, followed by law school.

I would like to thank everyone for coming to this event and for helping the future of West Virginia.

I would also like to take a moment to thank a few others. Firstly, my parents, they have put just as much time into this term as I have. From driving me to events to listening to me practice my speeches. No matter what, they are always there for me. Next, I want to express my gratitude for those who work tirelessly for this wonderful program. If it wasn't for them, we wouldn't even have this program that we all love. A special thanks to Leslie and Alicia for always answering my emails whenever I had a question, which was almost every day. To my peers, you guys are really what makes YLA so incredible. I am so thankful for each and every one of you that I have met over the years. Thank you for being a part of this journey with me.

Thank you,

Shelby Plants

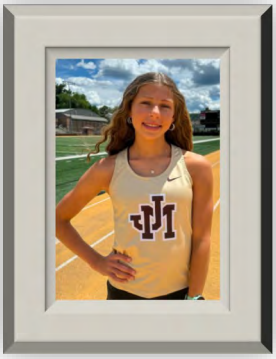
Shelby Plants
2025 Youth Chief Justice

MEET YOUR YOUTH IN GOVERNMENT LEADERSHIP TEAM 2025

Thomas Sibold
Youth Governor

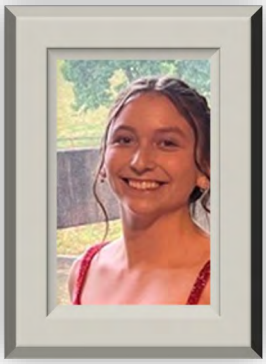
Gavin French
Chief of Staff

Leila “LeLe” Brock
Speaker of the House



Zoe Zervos
House Clerk

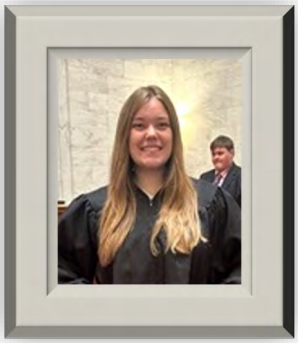
Maxine “Maxie” Brock
House Chaplain



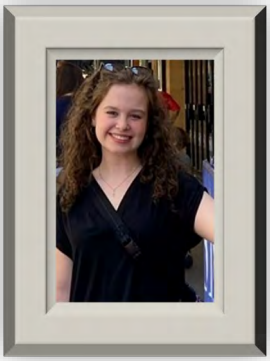
Sarah McBee
President of the Senate

Cole Fogus
Senate Clerk

Lily Cross
Senate Chaplain

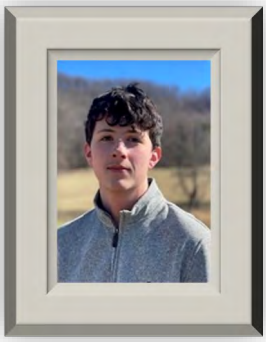


Shelby Plants
Youth Chief Justice



Cheyenne Harvey
Associate Justice

Bryce Isner
Associate Justice



John “Tripp” McMillion
Associate Justice

Delaney Pearson
Associate Justice

2025 WEST VIRGINIA YOUTH IN GOVERNMENT DIRECTORY

EXECUTIVE BRANCH

NAME	DELEGATION	TITLE
Lelia Brock	Mingo	Speaker of the House
Maxine Brock	Mingo	House Chaplain
Lily Cross	Wirt County	Senate Chaplain
Cole Fogus	James Monroe	Senate Clerk
Gavin French	James Monroe	Chief of Staff
Cheyenne Harvey	John Marshall	Associate Justice
Bryce Isner	Grafton	Associate Justice
Sarah McBee	John Marshall	President of the Senate
John “Tripp” McMillion	James Monroe	Associate Justice
Delaney Pearson	Point Pleasant	Associate Justice
Shelby Plants	Point Pleasant	Youth Chief Justice
Thomas Sibold	James Monroe	Youth Governor
Zoe Zervos	John Marshall	House Clerk

JUDICIAL BRANCH

NAME	DELEGATION
Aubreigh Anderson	John Marshall
Jacob Boyette	John Marshall
Skylar Brubaker	James Monroe
Emma Collett	Buckhannon-Upshur
Jamie Collins	Wirt County
Maggie Conrad	Wirt County
Harper Currence	Buckhannon-Upshur
Reghan Cutlip	Buckhannon-Upshur
Kaitlin Davis	Buckhannon-Upshur
Taylor Dawson	Wirt County
Danni Dunbar	James Monroe
Audrey Ferguson	John Marshall
Lora Fernatt	Wirt County
Joelle Gonchoff	John Marshall
Kristofer Halstead	James Monroe
Olivia Hanna	Point Pleasant
Gracie Hunter	John Marshall
Shyann Hurst	James Monroe
Lyda King	James Monroe

JUDICIAL BRANCH - CONTINUED	
NAME	**DELEGATION**
Emma Mann	James Monroe
Emily McBee	John Marshall
Gabriella Mullens	Buckhannon-Upshur
Lynsie Perdue	Wirt County
Chloe Pickett	John Marshall
Lila Roman	John Marshall
Dezmend Roth	John Marshall
Carol Russell	Wirt County
Lylla Shorter	James Monroe
Isabella Speece	Wirt County
Lilly StClair	James Monroe
Kenton Stump	Buckhannon-Upshur
Emily Suarez	John Marshall
Rylie Surface	James Monroe
Lanie Taylor	James Monroe
Mazey Thomas	Point Pleasant
Lena Rose Walker	Buckhannon-Upshur
Kamryn Watson	Point Pleasant
Rebekah Wilkerson	Buckhannon-Upshur
Brendolynn Williams	Wirt County
Alexis Wuchner	Buckhannon-Upshur

PRESS	
NAME	**DELEGATION**
Bailey Brubaker	James Monroe
Reghan Carson	Lewis County
Jack Eiler	Lewis County
Avery Etzel – Press Editor	John Marshall
Megan Gary	John Marshall
Shelby Hamrick	Lewis County
Hope Lamb	Lewis County
Kade Riffe	James Monroe

LEGISLATIVE				
NAME	DELEGATION	HEARD IN	MEMBER OF	SEAT
Kofi Ackon-Annan	Woodrow Wilson	--	S 01	S 30
James Alkire	Lewis County	S 02	S 01	S 16
Teonna Barton	John Marshall	H 01	H 04	H 38
Landon Beaudry	Buckhannon-Upshur	H 01	H 04	H 19
Lucas Bower	Ripley	H 04	H 01	H 77
Kellen Bruffey	Lewis County	S 02	S 01	S 15
Kate Burdette	Ripley	S 02	S 01	S 08
Morgan Carlin	John Marshall	H 01	H 03	H 25
Johnny Chen	Buckhannon-Upshur	H 02	H 01	H 21
Jax Cook	Wyoming East	H 04	H 03	H 70
Riley Cook	Wyoming East	H 04	H 03	H 69
Zane Cook	Wyoming East	H 02	H 03	H 82
Kelton Cowger	Buckhannon-Upshur	H 02	H 04	H 72
Alexa Danna	John Marshall	H 01	H 03	H 26
Josie Day	Buckhannon-Upshur	H 01	H 02	H 14
Alissa Depoy	Buckhannon-Upshur	S 02	S 01	S 03
Alexis Dillon	Wyoming East	H 03	H 02	H 65
Kyler Doss	Ripley	S 02	S 01	S 12
Teagan Drennen	Buckhannon-Upshur	S 01	S 02	S 09
Julia Fay	Lewis County	H 02	H 04	H 79
Allie Frye	Buckhannon-Upshur	S 01	S 02	S 01
Ella Games	John Marshall	S 01	S 02	S 19
Cameron Good	Ripley	H 04	H 03	H 24
Charles Harrison	Ripley	H 04	H 01	H 78
Evan Harrison	John Marshall	H 04	H 03	H 28
Kal-el Hill	John Marshall	H 01	H 04	H 31
Carder Holden	Lewis County	H 03	H 02	H 74
Blake Hollen	Hedgesville	S 01	S 02	S 07
Francis Howell	Woodrow Wilson	--	H 03	H 34
Mohammed Jaweed	Woodrow Wilson	--	S 01	S 31
Elio Johnson	Lewis County	H 02	H 04	H 80
Reid Kisamore	Tucker County	S 02	S 01	S 17
Alexander Lambert	Tucker County	S 02	S 01	S 18
Carlee Lane	Wyoming East	S 01	S 02	S 13
Isabella Lee	Ripley	H 02	H 01	H 75
Katelyn Leftler	Woodrow Wilson	--	S 02	S 28
Holly Lewis	Buckhannon-Upshur	H 02	H 01	H 20
Ava Lynch	Buckhannon-Upshur	H 04	H 02	H 64

LEGISLATIVE - CONTINUED				
NAME	DELEGATION	HEARD IN	MEMBER OF	SEAT
Kylie Marlow	Lewis County	H 03	H 04	H 16
Madelyn Martin	Ripley	H 02	H 01	H 76
Cameron McCord	John Marshall	H 01	H 04	H 37
Allie McGraw	John Marshall	S 01	S 02	S 20
Ella McNeish	Buckhannon-Upshur	H 04	H 02	H 18
Kylie Miller	Ripley	S 02	S 01	S 06
Michael Niggemyer	Grafton	H 01	H 02	H 68
Taylor Norman	John Marshall	H 01	H 04	H 30
Caleb Parsons	Ripley	H 04	H 03	H 23
Neva Perrine	Buckhannon-Upshur	H 03	H 01	H 22
Brock Phillips	Mingo	S 01	S 02	S 14
Aspen Radabaugh	Ripley	S 02	S 01	S 05
Easton Rice	Buckhannon-Upshur	S 02	S 01	S 04
Sarah Setterlund	Buckhannon-Upshur	S 01	S 02	S 10
Samantha Shay	Buckhannon-Upshur	S 01	S 02	S 02
Raina Shearlock	Wirt County	H 01	H 04	H 73
Brandon Shrewsbury	Wyoming East	H 03	H 02	H 66
Christian Sibold	James Monroe	H 03	H 02	H 27
Addison Smith	Hedgesville	H 02	H 03	H 15
Alexa Solis	Woodrow Wilson	--	H 02	H 85
Thomas Spencer	Woodrow Wilson	--	H 01	H 36
Caroline Stanley	Woodrow Wilson	--	S 02	S 29
Zane Stewart	Lewis County	H 02	H 01	H 67
Jaylin Summers	Grafton	H 03	H 01	H 71
Matthew Taylor	Woodrow Wilson	--	H 01	H 35
Cody Trainer	Buckhannon-Upshur	H 04	H 01	H 17
CJ Tucker	East Fairmont	H 03	H 02	H 83
Zoie Vance	Woodrow Wilson	--	H 02	H 84
Jackson Vanhoose	Ripley	S 02	S 01	S 11
Eli Ward	John Marshall	H 04	H 03	H 29
Vivian Webb	Woodrow Wilson	--	H 03	H 33
Zakk Wells	John Marshall	S 01	S 02	S 21
Gracie Wood-Powell	John Marshall	S 01	S 02	S 22

LOBBYIST	
NAME	DELEGATION
Sophia Austin	Grafton
Logan Lafferty	Wyoming East
Madison Shrewsberry	Wyoming East

PAGES

NAME	DELEGATION	ASSIGNMENT
Peyton Brown	John Marshall	H 02 & House Chamber
Gracen Cline	John Marshall	H 01 & House Chamber
Iain Furman	Wyoming East	Governor
Emily Gatts	John Marshall	H 04 & House Chamber
Cole Holcomb	Cross Lanes Christian	S 02 & Senate Chamber
Emma Null	Hedgesville	H 03 & House Chamber
Josh Tilley	Wyoming East	S 02 & Senate Chamber
Elyssa Woolwine	Independence	S 01 & Senate Chamber

When committees are in session, you will page for your assigned committee. When the House or Senate are in session, you will page for your chamber floor.

ADVISORS

NAME	DELEGATION	ASSIGNMENT
Brian Allman	Buckhannon-Upshur	Senate Chamber Co-Advisor
Kristin DeWees	Ripley	Bill Coordinator
Jennifer Eiler	Lewis County	S 02 Advisor
Christina Gary	John Marshall	Hotel Advisor
Josh Gary	John Marshall	House Chamber Advisor
Deborah Gump	Lewis County	H 02 Advisor
Brianna Landis	Wyoming East	H 04 Advisor
Derek Landis	Wyoming East	H 04 Advisor
Abbie Loudin	Buckhannon-Upshur	H 03 Advisor
Candace McBee	John Marshall	S 01 Advisor
Rebekah McCloy	Wirt County	Judicial Advisor
Amanda Pearson	Point Pleasant	Judicial Advisor
April Petrovsky	Wirt County	H 01 Advisor
John Quesenberry	Woodrow Wilson	H 03 Advisor
Shannelle Thomas	Point Pleasant	Judicial Advisor
Stormy Thorne	James Monroe	Press Advisor
Jennifer Whaley	Cross Lanes Christian	Page Advisor
Renee Wilson & Maverick	James Monroe	Advisor
Brittney Worley	Woodrow Wilson	S 02 Advisor
Richard Zukowski	Grafton	S 02 & Senate Chamber Co-Advisor

STAFF

David Cooper	Legislative Advisor
David King	Executive Director
Alicia Ridenour	Fiscal Officer & Program Coordinator – Page & Lobbyist Advisor

Welcome to our 68th YLA West Virginia Youth in Government!

Ohio-West Virginia
Youth Leadership Association

For 68 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:

Wednesday, April 23

Check In 10:00 – 11:00 a.m.

4 Point Hotel ~ Capitol City Suites B & C Foyer

ONLY DELEGATION LEADERS *register delegations at the Youth in Government table* in the hotel foyer, **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. DO NOT ask the hotel staff for room keys early.

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.

LUGGAGE STORAGE ~ Capitol City Suites B & C on April 23

LUGGAGE STORAGE ~ Kanawha River Suite on April 25

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)
Senate Committee 2	208 West (Judiciary)
House Committee 1	House 410M (Judiciary)
House Committee 2	House 434M (Education)
House Committee 3	House 460M (Finance)
House Committee 4	House 215-E (across the roof)
Lobbyists	Table outside House of Delegates
Pages	Pages at assigned locations. Page advisor table in near House Chamber
Press	Senate 249
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 – Breakfast is the only meal 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

United States of America — Preamble to the Constitution - 1787

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

Bill of Rights

The first ten Amendments to the Constitution of the United States Ratified effective December 15, 1791

Amendment I

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.

Amendment II

A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Article III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

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.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Constitution of West Virginia - Preamble

Since through Divine Providence we enjoy the blessings of civil, political and religious liberty, we, the people of West Virginia, in and through the provisions of this Constitution, reaffirm our faith in and constant reliance upon God and seek diligently to promote, preserve and perpetuate good government in the state of West Virginia for the common welfare, freedom and security of ourselves and our posterity.

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.

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.

Definitions and 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 2025

Practice Case

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,

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Attorneys for the Appellant

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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,

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Attorneys for the Appellee

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Attorneys for the Appellee

WV Youth in Government 2025

YOUTH SUPREME COURT DOCKET

CASE YOUTH SUPREME COURT DOCKET

CASE				
01 **James Monroe**	**Case 1: State of West Virginia v Kobe Brown**			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
	Lilly St. Clair	Rylie Surface	Chloe Pickett	Jacob Boyette
		Emma Mann		
	Justices: Shelby Plants, Cheyenne Harvey, Gabriella Mullens, Maggie Conrad, Delaney Pearson			
02 **James Monroe**	**Case 2: State of West Virginia v Father N.W.-3**			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
	Kristofer Halstead	Danni Dunbar	Isabella Speece	Kenton Stump
		Lylla Shorter		
	Justices: Tripp McMillion, Bryce Isner, Joelle Gonchoff, Kamryn Watson, Taylor Dawson,			
03 **Buckhannon Upshur**	**Case 3: State of West Virginia v Oscar Ross Combs Sr.**			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
	Emma Collett	Lena Rose Walker	Emily McBee	Ash Roth
	Justices: Shelby Plants, Delaney Pearson, Emily Suarez, Shyann Hurst, Lynsie Perdue			
04 **Wirt County**	**Case 4: State of West Virginia v Jeremy Dale Bartram**			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
	Jamie Collins	Brendolyn Williams	Alexis Wuchner	Danni Dunbar
	Izzy Speece	Taylor Dawson		
	Justices: Cheyenne Harvey, Tripp McMillion, Bryce Isner, Gracie Hunter, Olivia Hanna			
05 **Buckhannon Upshur**	**Case 5: Donald Gwinn v JP Morgan Chase**			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
	Kaitlin Davis	Harper Currence	Rebekah Wilkerson	Kristofer Halstead
	Justices: Shelby Plants, Bryce Isner, Carol Russell, Emma Mann, Lena Rose Walker			
06 **Point Pleasant**	**Case 6: Richard D. v State of West Virginia**			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
	Olivia Hanna	Kamryn Watson	Jamie Collins	Audrey Ferguson
	Mazey Thomas	Riley Joslin		
	Justices: Tripp McMillion, Cheyenne Harvey, Aubreigh Anderson, Lylla Shorter, Skylar Brubaker			
07 **Buckhannon Upshur**	**Case 7: Leena Shah and Uday Shah v James T. Bowen**			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
	Joan Wilkerson	Alexis Wuchner	Brendolynn Williams	Emma Collett
	Justices: Shelby Plants, Delaney Pearson, Lora Fernatt, Rylie Surface, Lilly St. Clair			
08 **James Monroe**	**Case 8: Rimdaugas K v Gerda K**			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
	Shyann Hurst	Skylar Brubaker	Mazey Thomas	Olivia Hanna
	Lanie Taylor	Lydia King		
	Justices: Bryce Isner, Emily Suarez, Harper Currence, Reghan Cutlip, Kaitlin Davis			

CASE YOUTH SUPREME COURT DOCKET

09	**Case 9: James Hendershot v State of West Virginia**			
	Appellants	**Appellees**	**Clerk**	**Bailff**
Wirt County	Maggie Conrad	Carol Russell	Lena Rose Walker	Rylie Surface
	Lynsie Perdue	Lora Fernatt		
	Justices: Shelby Plants, Cheyenne Harvey, Mazey Thomas, Kristopher Halstead, Ash Roth			
10	**Case 10: Carl Wayne Rich v State of West Virginia**			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
Buckhannon Upshur	Kenton Stump	Kaitlyn Davis	Aubreigh Anderson	Emma Mann
	Justices: Delaney Pearson, Tripp McMillion, Emily McBee, Lyda King, Lanie Taylor			
11	**Case 11: State of West Virginia v Mother S.K.-21**			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
Buckhannon Upshur	Reghan Cutlip	Gabriella Mullens	Carol Russell	Emily Suarez
	Justices: Shelby Plants, Alexis Wuchner, Brendolynn Williams, Chloe Pickett, Rebekah Wilkerson			
12	**Case 12: Michael W. v Jennifer W**			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
John Marshall	Gray Hunter	Ash Roth	Harper Currence	Joelle Gonchoff
	Justices: Cheyenne Harvey, Emma Collett, Jamie Collins, Isabella Speece, Danni Dunbar			
13	**Case 13: State of West Virginia v Darryl Harvey**			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
John Marshall	Audrey Ferguson	Emily Suarez	Kaitlin Davis	Lanie Taylor
	Jacob Boyette			
	Justices: Shelby Plants, Kenton Stump, Tripp McMillion, Delaney Pearson, Carol Russell			
14	**Case 14: State of West Virginia v Leslie G.**			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
John Marshall	Aubreigh Anderson	Joelle Gonchoff	Gabriella Mullens	Shyann Hurst
	Justices: Bryce Isner, Olivia Hanna, Cheyenne Harvey, Maggie Conrad, Lynsie Perdue			
15	**Case 15: Misty Kruse v Tourja Farid, MD**			
	Appellants	**Appellees**	**Clerk**	**Bailiff**
John Marshall	Emily McBee	Chloe Pickett	Gracie Hunter	Taylor Dawson
	Justices: Shelby Plants, Audrey Ferguson, Jacob Boyette, Tripp McMillion, Delaney Pearson			

WV Youth in Government 2025

CASE # 1

State of WV

v

Kobe Brown

THE MODEL SUPREME COURT OF THE STATE OF WEST VIRGINIA

State of West Virginia	vs	Kobe Brown
Defendant (Appellee)		Prosecution(Appellant)
Rylie Surface		Lilly St. Clair
Emma Mann		
Attorneys for the Appellee		*Attorneys for the Appellant*

STATEMENT OF FACTS

Petitioner Kobe Brown appeals the Circuit Court of McDowell County's April 3, 2023, order sentencing him to life imprisonment without mercy after his guilty plea to first-degree murder. On appeal, the petitioner presents two assignments of error, arguing that the court relied upon an impermissible factor at sentencing, and that his sentence violated his right to due process because it was based upon facts not in evidence.

On September 20, 2021, the McDowell County 9-1-1 center received a call that the victim, Marcus Edwards, had been found dead in the Little Egypt area of Havaco and that the "word on the street" was that the petitioner killed Mr. Edwards. Officers arrived at the scene and found Mr. Edwards' burnt body with several spent gun shell casings nearby. Officers obtained surveillance video from an exterior camera on the petitioner's house, which showed Mr. Edwards on the petitioner's porch. The video also showed the petitioner and his codefendant, Raquel Adams, exiting the residence and chasing Mr. Edwards down a hillside while firing handguns at him. The petitioner returned to his residence to get an ATV and a gas can, and a "large fireball" was seen coming from the direction in which Mr. Edwards had fled. On September 21, 2021, Ms. Adams turned herself in to police and confessed that she and the petitioner killed Mr. Edwards. The petitioner was arrested the following Day.

The petitioner was indicted for first-degree murder and felony conspiracy, and he agreed to plead guilty to first-degree murder in exchange for the State's recommendation of mercy and dismissal of the felony conspiracy charge. The State also agreed to dismiss several drug charges against the petitioner that were alleged in a different indictment from January 2021. During his plea colloquy, the petitioner stated that Mr. Edwards "came running at me like he had something in his hand and I shot him. [Ms. Adams] shot him." But the petitioner later claimed that he did not know whether he hit Mr. Edwards with any of the eight shots he fired. The petitioner stated Ms. Adams hit Mr. Edwards in the head with a shovel and used gasoline to set him on fire. The petitioner denied Ms. Adams' assertion that he threatened to kill her if she did not assist him in killing Mr. Edwards. The petitioner
denied having a plan to kill Mr. Edwards. The petitioner stated that Mr. Edwards "was saying

[Deputy] Dalton [Martin] was making him do stuff," and a police officer told him, "I heard Dalton and VanDyke saying what they was going to get [Mr. Edwards] to do to you." The petitioner continued, "[s]o by that time he done came up there tripping. He done went and telling everybody that he was going to do this to me . . . ." The court asked the petitioner if he had heard that Mr. Edwards "was maybe working with the police against you." The petitioner replied, "No. I wasn't worried about working with the police against me. For what? I was taking a plea." At the conclusion of the petitioner's plea hearing, the court set a date for sentencing.

At sentencing, the petitioner's counsel affirmed that he received the court's pre- sentence investigation report and offered no additions or corrections. The circuit court heard victim impact statements from members of Mr. Edwards' family, and the petitioner exercised his right of allocation. The petitioner's counsel offered that, although the petitioner denied drug use, "there was some evidence of drugs being involved in . . . the circumstances that led up to" the murder. The court agreed, stating, "he did have a drug indictment dismissed." The petitioner's counsel continued, "[t]hat's kind of what I'm saying. . . . It's not just an isolated event that kind of led up to this." Before imposing sentence, the court stated that it did not believe that Mr. Edwards "came up on [the petitioner]. I don't think [Mr. Edwards] threatened you in any way." The court also stated that "I don't think the decision to kill [Mr. Edwards] was Ms. Adams' decision. I think it was your decision," and noted that they both shot Mr. Edwards as he was running away. The court also stated its belief that the petitioner killed Mr. Edwards in retribution for his cooperation with law enforcement. The court continued, stating that the petitioner shot Mr. Edwards, "beat him with a shovel, ran over him, [and] set him on fire. Okay? That's cold, calculated, and malicious. . . . I'm going to show you the same mercy that you gave to [Mr. Edwards], which is none." The court then imposed a sentence of life imprisonment without mercy, and it is from the court's April 3, 2023, sentencing order that the petitioner appeals.

On appeal, the petitioner claims the circuit court erred by relying on an impermissible factor when it sentenced him. In particular, the petitioner argues that his sentence was based upon the court's "unsupported conjectures" that he murdered Mr. Edwards "in retribution for [his] participation with police as a drug informant or some kind of witness."

Appellees Brief

Argument 1: Our first thing that we would like to discuss in this case is the surveillance camera of the exterior of Mr. Brown's residence. Mr. Brown exclaimed that Mr. Edward “he came running and looked like he had something in his hands.”We can prove that this information is not true because the statement of facts says that we were just on the residents porch. Even though Mr. Edwards was on Brown's property, he ended up getting chased and left the property. Mr Brown still chased and came to his residents to get his ATV and a gasoline can.

Argument 2: In the statement of facts it says “ there was some evidence of drugs being involved” [beginning of 5th para.] even though he had a drug indictment dismissed. The court still brought the factor that Mr. Edwards could be working with the police. This could be a reason that Brown killed Edwards because he didn't want another drug charge.

Argument 3: In this next argument, what happened to Mr. Edwards was excruciating, and no one should have to go through this. Mr. Edwards was shot at 8 times and one more hit him, beaten with a shovel, ran over, and set him on fire. If this was someone in your family that was victimized like this, how would you want the murders consequences to be fulfilled? Mr. Edawrds did not have to go through all of this torture but as we can tell Mr. Brown wanted that to happen. Mr. Brown did not only shoot the man, but decided and thought out everything after the shot. He decided to run him over, decided to hit him with a shovel, and decided to set him on fire.

Conclusion: Breaking this case down we can conclude that Mr. Brown should be charged with no mercy because of the overkill and

premeditated. Mr. Brown might not have thought to shoot him but everything after would have had to be thought or he wouldn't of have done it. Brown would have just left Edwards. We agree with the judges claim of showing Mr. Brown no mercy because that what he did to Mr. Edwards. My partner and I appreciate your time and hope you can take the States' side into consideration. Thank you.

Respectfully submitted,

Rylie Surface

Rylie Surface
Attorney for the Appellee

Emma Mann

Emma Mann
Attorney for the Appellee

APPELLANT'S BRIEF

ARGUMENTS

Argument #1- Improper Consideration During Sentencing

The court relied on an improper assumption when determining the sentence. Specifically, the court considered factors that are prohibited by law from influencing the sentencing decision. The fact that the court constantly used the phrases "I think" and "I believe" to establish an accusation based only on their imagination and brought up irrelevant past conduct that was not included in the official record demonstrates that they lacked any reliable evidence to support their baseless claims.

Argument #2- Violation of Due Process

Mr. Brown's right to due process was violated by the sentencing. This is due to the fact that some facts that were not offered as evidence during the trial were used to determine the sentencing. The use of information outside the official evidence to determine the sentencing is both unjust and unconstitutional. In order to ensure due process, all facts and evidence used in sentencing must be publicly revealed in court, allowing for rebuttal and cross-examination. The court denied Mr. Brown his basic right to a fair trial and open judicial proceedings by inflicting the penalty based on unreported information.

Arguments #3- Breach of Plea Agreement

The sentence of life imprisonment without mercy contradicts the plea agreement. Mr. Brown pled guilty to first degree murder in exchange for the State's recommendation of mercy. The court's decision to impose a harsher sentence than what was agreed upon in the plea deal constitutes a breach of that agreement. Plea agreements are binding contracts between the defendant and the prosecution, and the court is obligated to honor the terms of such agreements. By disregarding the State's recommendation of mercy, the court not only violated the plea agreement, but also undermined the defendant's trust in the judicial process, necessitating a reconsideration of the sentence.

Conclusion-

In conclusion, Mr. Brown's sentencing is deeply flawed and needs to be reconsidered. The court used improper factors, violating sentencing laws and relying on subjective opinions without evidence. Additionally, Mr. Brown's right to due process was breached by using undisclosed information. Finally, the court broke the plea agreement by not honoring the State's recommendation of mercy. We urge the court to give this case a review to ensure a fair and just outcome for Mr. Brown.

Respectfully,

Lilly St. Clair
Attorney for the Appellant

WV Youth in Government 2025

CASE # 2

State of West Virginia
v
Father N.W.-3

The Model Supreme Court of West Virginia

State of West Virginia

vs.

Father N.W.-3

State of West Virginia	**vs.**	**Father N.W.-3**
Defendant (Appellee)		**Prosecution (Appellant)**
Danni Dunbar		**Kristofer Halstead**
Lylla Shorter		**Attorney for the Appellant**
Attorneys for the Appellee		

Statement of Facts

In re N.W-1 and N.W.-2

Petitioner Father N.W.-3 appeals the Circuit Court of Marion County's June 27, 2023, order terminating his parental and custodial rights to N.W.-1 and N.W.-2, arguing that the circuit court erred in failing to impose a less restrictive dispositional alternative.

The DHS filed a petition in November 2022, in which it alleged that the petitioner's incarceration following his arrest for murder constituted abandonment and rendered him unable to care for the children. The petitioner later stipulated to the allegation at an adjudicatory hearing in February 2023. Accordingly, the court adjudicated the petitioner of abusing and neglecting the children based upon his abandonment.

The matter came on for a final dispositional hearing in May 2023. The petitioner sought a continuance pending the outcome of his criminal trial scheduled for August 2023. Citing Rule 5 of the West Virginia Rules of Procedure for Child Abuse and Neglect Proceedings, the DHS objected to a continence. The court denied the motion. In support of disposition, the DHS presented a witness who testified that the petitioner was incarcerated for the entirety of the proceedings, had no visits with the children, and received no remedial services as a result of his incarceration. The petitioner requested disposition under West Virginia Code § 49-4-604(c)(5) because the children were in a kinship placement and so that he could seek modification after his criminal trial depending on the outcome. The court denied this request and terminated the petitioner's parental and custodial rights. In support, the court found that there was no reasonable likelihood that the petitioner could remedy the conditions of abuse and neglect in the future. The court additionally found that it was in the children's best interests to terminate the petitioner's rights. Accordingly, the court terminated the petitioner's parental and custodial rights to the children. The petitioner appealed from the dispositional order. Subsequent to the filing of the petitioner's brief, the respondents provided supplemental updates to this Court in which they indicated that the petitioner was convicted of multiple crimes, including first-degree murder. The DHS indicated that the petitioner "will serve life imprisonment without parole."

(Initials are used where necessary to protect the identities of those involved in this case. Because the children and petitioner share the same initials, we use numbers to differentiate them.)

INTRODUCTION

The State of West Virginia, through the Department of Human Services (DHS), declares that the termination of Petitioner N.W.-3's parental and custodial rights is both legally justified and necessary for the welfare of N.W.-1 and N.W.-2. Given the petitioner's criminal convictions and life imprisonment without parole, there exists no reasonable likelihood that the petitioner can provide proper care, support, or stability for the children. Thus, the lower court's ruling should be affirmed.

LEGAL GROUNDS FOR TERMINATION

West Virginia Code § 49-4-604(a) provides clear grounds for terminating parental rights when there are conditions of abuse and neglect that can not be corrected there The petitioner's conviction and life imprisonment meets this criterion.

1. **Abandonment and Inability to Provide Care**
   Prolonged incarceration constitutes abandonment (*In re Cecil T.*, 228 W. Va. 89 (2012)). The petitioner has been incarcerated since November 2022, preventing any parental relationship. The court correctly adjudicated him as an abusive and neglectful parent under West Virginia Code § 49-4-601
2. **No Reasonable Likelihood of Remedial Improvement**
   The petitioner was convicted of first-degree murder and sentenced to life imprisonment without the possibility of parole; eliminates any chance of reunification. Per West Virginia Code § 49-4-604(c)(3), "no reasonable likelihood that the conditions of abuse and neglect can be substantially corrected in the near future."The petitioner's conviction and life sentence ensure that the underlying issues will never be solved.
3. **Best Interests of the Children**
   The primary concern is the children's well-being (*In re Katie S.*, 198 W. Va. 79 (1996)). With a stable kinship placement, terminating parental rights prevents further uncertainty and serves their best interests.

PETITIONER'S ARGUMENTS LACK MERIT

The petitioner argues for a less restrictive alternative under West Virginia Code § 49-4-604(c)(5) to allow for a future modification of his rights. However, the statute requires a reasonable likelihood of improvement, which is completely absent in this case. Given his conviction and life sentence, modification is not legally practical. Additionally, the petitioner's request for a continuance pending his criminal trial was denied under Rule 5 of the West Virginia Rules of Procedure for Child Abuse and Neglect Proceedings, which prioritizes the prompt resolution of cases to prevent prolonged instability for children.

IV. CONCLUSION

The circuit court correctly determined that the petitioner's parental rights should be terminated. His life imprisonment removes any possibility of rehabilitation or reunification. Furthermore, the best interests of the children necessitate a stable and permanent home, free from the uncertainty of legal proceedings involving an incarcerated parent. Accordingly, this Court should affirm the lower court's decision to terminate N.W.-3's parental and custodial rights.

Respectfully,

Danni Dunbar
Attorney for the Appellee

Lylla Shorter
Attorney for the Appellee

BRIEF IN SUPPORT OF PETITIONER FATHER N.W.-3

INTRODUCTION

This case presents a fundamental issue of justice and parental rights. The petitioner, N.W.-3, was deprived of his parental and custodial rights due to a conviction that remains subject to legal challenge. His incarceration was used as the primary basis for terminating his parental rights, despite the availability of less restrictive alternatives and the absence of clear and convincing evidence that his continued relationship with his children would be detrimental to their well-being. This appeal seeks to rectify that injustice and ensure that the principles of due process and the best interests of the children are upheld.

STATEMENT OF THE CASE

In November 2022, the Department of Health and Human Services (DHS) filed a petition alleging that N.W.-3's incarceration following his arrest for murder constituted abandonment and rendered him unable to care for his children, N.W.-1 and N.W.-2. At an adjudicatory hearing in February 2023, the petitioner stipulated to the abandonment allegation, leading to his adjudication as an abusive and neglectful parent.

During the dispositional hearing in May 2023, the petitioner sought a continuance pending the resolution of his criminal trial, scheduled for August 2023. However, the circuit court denied the motion and, instead of considering a less restrictive dispositional alternative, terminated his parental and custodial rights. The decision was based on findings that there was no reasonable likelihood that the petitioner could remedy the conditions of abuse and neglect and that termination was in the children's best interests.

Following the dispositional order, the petitioner filed this appeal. While the appeal was pending, the State provided supplemental updates indicating that the petitioner had been convicted of multiple crimes, including first-degree murder, and would serve a life sentence without parole. Despite this, the petitioner maintains his innocence and intends to challenge his conviction.

ARGUMENT

I. THE CIRCUIT COURT ERRED IN TERMINATING PARENTAL RIGHTS WITHOUT CONSIDERING LESS RESTRICTIVE ALTERNATIVES

West Virginia Code § 49-4-604(c)(5) allows for a less restrictive alternative to termination, such as legal guardianship with a kinship placement. Given that the children were placed with family members, there was no immediate risk of harm, and a permanent termination was unwarrented.

By opting for the most severe outcome, the circuit court deprived the petitioner of the opportunity to modify custody arrangements in the event of a successful appeal of his conviction. This approach violated the fundamental principle that termination should only occur when no reasonable alternative exists to protect the children's welfare.

II. PETITIONER'S CONVICTION IS NOT FINAL AND SHOULD NOT BE USED AS A BASIS FOR TERMINATION

The petitioner's conviction is currently under appeal, and new evidence may emerge that could exonerate him. If his conviction is overturned, the termination of his parental rights would constitute an irreparable injustice. The circuit court should have granted a continuance to allow the criminal process to conclude before making a final determination on parental rights.

III. DUE PROCESS WAS VIOLATED BY DENYING PETITIONER A MEANINGFUL OPPORTUNITY TO DEFEND HIS RIGHTS

The circuit court's denial of the petitioner's motion for a continuance under Rule 5 of the West Virginia Rules of Procedure for Child Abuse and Neglect Proceedings disregarded his due process rights. By refusing to delay the dispositional hearing until the resolution of the criminal case, the court effectively predetermined the outcome without considering the potential for changed circumstances.

Additionally, the petitioner was unable to participate in remedial services due to his incarceration. The absence of any effort to facilitate his engagement with reunification services demonstrates a lack of good faith in preserving his parental rights.

IV. TERMINATION WAS NOT IN THE BEST INTERESTS OF THE CHILDREN

The best interests of the children are not served by permanently severing their relationship with their father, particularly when a legal challenge to his conviction remains pending. The children were in a kinship placement, ensuring stability while allowing for the possibility of future reunification. The circuit court's failure to consider the emotional and psychological impact of terminating their father's rights demonstrates a fundamental disregard for their long-term well-being.

CONCLUSION

The circuit court's decision to terminate N.W.-3's parental rights was premature, overly punitive, and failed to consider alternative measures that would have safeguarded the children's well-being while allowing for future reunification. Given the pending appeal of his criminal conviction and the availability of a kinship placement, a less restrictive disposition should have been pursued.

This Court has the opportunity to correct this injustice by reversing the termination order and remanding the case for further proceedings. The law demands fairness, and fairness requires that a father not be permanently separated from his children based on a conviction that is still subject to legal challenge.

Respectfully submitted,

Kristofer Halstead
Attorney for the Appellant

WV Youth in Government 2025

CASE # 3

State of West Virginia

v

Oscar Ross Combs, Sr.

The Model Supreme Court of the State of West Virginia

State of West Virginia	vs	Oscar Ross Combs Sr.
Prosecution (Appellant)		Defendant (Appellee)
Emma Collett		Lena Rose Walker
Attorney for the Appellant		Attorney for the Appellee

STATEMENT OF FACTS

Oscar Ross Combs Sr. was involved in two separate criminal cases. The first case which took place in Mercer County involving the murder of James Butler. The second case occurred in Wyoming County involving the murder of Theresa Ford. These two cases were distinct and unrelated in terms of the incident and the evidence presented.

Around May of 2013 a search warrant was issued in Wyoming County to seize the petitioner's property. This warrant specifically authorized law enforcement officers to search the petitioner's residence and seize any items deemed relevant to the investigation. During this search, law enforcement found a blood-stained mattress and later the same day the petitioner admitted that he and his son had robbed and murdered Mr. Butler.

Forensic testing later revealed the blood on the mattress belonged to Ms. Ford. In April of 2014 another warrant was issued to search the petitioner's home and property. As a result, Ms. Ford's remains were found in a shallow grave.

The warrant was allegedly issued from the Wyoming County case. The petitioner's property was seized in Mercer County under the authority of the search warrant from Wyoming county. The Petitioner contends that there was no factual connection between the Mercer County case and the Wyoming County case. Therefore, the search warrant in Mercer County was invalid as it was improperly based on information from an unrelated case in Wyoming County.

In February of 2015, the petitioner was sentenced to life without mercy, plus 8 years for the murder and robbery of Mr. Butler. In September of 2017, the petitioner was also convicted for the first-degree murder of Ms. Ford.

Later, they found out that the court improperly provided evidence of Mr. Butler's murder. Around September of 2017 the state chose not to prosecute the petitioner for Ms. Ford's murder and the circuit court dismissed and overturned all charges against him for Ms. Fords murder.

Following the overturning of the conviction, the petitioner filed a motion to return his private property. The petitioner argued that the search warrant was invalid due to the lack of probable cause in the absence of legitimate connection between the two cases. The petitioner requested the immediate return of all his items seized during the search.

On May 22, 2023, the Circuit Court, in Wyoming County reviewed the petitioner's motion to return his private property. The court then denied the motion. As of now, the petitioner continues to seek the return of his private property. The petitioner supports that the seizing of his property was unlawful and that the items should be returned promptly.

APPELLANTS BRIEF

ASSIGNMENT OF ERRORS

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

The judge erred in the warrant used to seize the petitioner's property in Wyoming County and it was based on a warrant from a separate case in Mercer County involving the murder of James Butler, there was no connection between the two cases and the search warrant in Wyoming county was therefore invalid.

The judge erred in the conviction of the Wyoming County case where the murder of Theresa Ford was overturned and dismissed on appeal. This further supports the claim that the search warrant was invalid, and that the petitioner's property should be returned.

The judge erred in saying that the petitioner's property was seized without a valid search warrant, which was a violation of his fourth amendment rights.

ARGUMENTS

Argument #1 – The judge erred in the case involving Ms. Ford and the charges in that case were overturned and dismissed, so the petitioner's property should be returned.

Oscar Ross Combs Sr.'s convictions involving Ms. Ford were overturned and dismissed. The property seized during that investigation, therefore, should be returned to the petitioner. Legal precedents often dictate that property seized in connection with a criminal case must be returned if the case is dismissed or the conviction is overturned.

Argument #2 – The judge erred in the warrant used to take the petitioners property. It was linked to a different case, in a different county, and there was no reason to take the petitioners' belongings.

The warrant used to do the search in Wyoming County was based on a case in Mercer County involving Mr. Butler. There was no probable cause to justify the seizure of property in Wyoming County based solely on the Mercer County case.

Argument #3- The judge erred when the petitioner's property was seized with a invalid search warrant, which was a violation of his fourth amendment rights

The US Constitution protects against unreasonable searches and seizures. The warrant used to take his private property lacked probable cause, making the seizure of his property in Wyoming County a violation of his fourth amendment rights. The fourth amendment 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."

CONCLUSION

In conclusion, I have identified several critical legal errors that compromised the fairness and integrity of the trial. These errors included the improper admission of evidence obtained through an invalid search warrant, ineffective assistance of counsel, incorrect jury instructions, and prosecutorial misconduct. Each of these errors significantly impacted the defendants right to a fair trial. The petitioner's property seized by the Wyoming County law enforcement officers should be returned. The lower court's decision should be overturned.

Respectfully submitted,

Emma Collett

Attorney for the Appellant

APPELEE'S BREIF

ARGUMENTS

Argument #1- The judge did not err in this case involving Ms. Ford, and these charges in the case were correctly upheld, so the petitioner's property should not be returned.

The Judge was correct in the case that involves Ms. Ford. The judge believed that they found the evidence on personal property. These charges were upheld and valid. The personal property of the petitioner was seized and used as evidence and shall not be returned; therefore, the judge made no mistakes with this case.

Argument #2- The Judge correctly issued the warrant for taking the petitioners property. This was in the same county and there was a valid reason to take the petitioner's belongings.

The personal property was taken for a valid reason. A property item that was taken for evidence was a bloody mattress. The warrant was directly related to the same case involving Ms. Ford and made the evidence good. This case and warrant were in the same county, this maintained authority.

Argument #3- The judge acted accurately when the petitioner's property was seized with the valid search warrant. This upheld his fourth amendment rights.

The fourth amendment right states that it protects people from unreasonable searches. The fourth amendment 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." The search for this case was reasonable. The personal property seized during this search with the warrant was used as the evidence that helped conclude the case.

CONCLUSION-

In conclusion, in this case all the Judges' decisions were correct. All the decisions were lined up with the law. The search warrant was obtained through legal measures. These all show that the judge made the right decisions in the first place. This all makes it crucial to uphold the judge's decisions. All the evidence that was obtained from personal property was needed for this specific case. The need for this evidence was needed for the case. Therefore, personal property should not be returned.

For these reasons we feel that the lower court's judgement should be upheld in the case.

Respectfully submitted,

Lena Rose Walker

Attorney for the Appellee

WV Youth in Government 2025

CASE # 4

State of West Virginia
v
Jeremy Dale Bartram

The Model Supreme Court of West Virginia

State of West Virginia

V

Jeremy Dale Bartram

Jamie Collins
Attorney for the Appellant

Brendolynn Williams
Attorney for the Appellee

Izzy Speece
Attorney for the Appellant

Taylor Dawson
Attorney for the Appellee

State of West Virginia
v
Jeremy Dale Bartram

Statement of Facts

Jeremy Dale Bartram appeals the July 11, 2020, order of the Circuit Court of Cabell County that sentenced him on multiple counts related to a non-fatal shooting on June 20, 2018. At 3:30 a.m. that day, sheriff's deputies were dispatched to a home where they found Vicky Emerick and Casey Emerick (Vicky's adult son) on the living room floor bleeding from multiple gunshot wounds. Karson Emerick (Casey's young son) had a bullet fragment in his chest. The victims identified the shooter as petitioner Jeremy Dale Bartram. Petitioner and Shea Emerick (Vicky's daughter, who also lived in the house) have a child together who was in the house at the time of the shooting. Also in the house was Casey's then-fiancée/now-wife, Rebecca Sanders. Detectives determined that petitioner fired fourteen shots: the first three were fired into Casey's bedroom window, and the remainder were fired through the living room window and struck Vicky, Casey, and Karson.

Petitioner was charged in a superseding indictment with eighteen felony counts (one count of burglary; fourteen counts of wanton endangerment, one for each shot fired; and three counts of attempt to commit the first-degree murder of Vicky, Casey, and Karson); and two misdemeanor counts (fleeing without a vehicle and obstructing an officer).

At petitioner's trial, Casey's wife testified that, at the time of shooting, she saw petitioner through the living room window. Casey testified that petitioner (1) was the shooter, (2) was familiar with the Emerick family home, and (3) knew where Casey's bedroom was located in the house. Vicky testified that she saw petitioner "put his head through the window . . . and he was shooting . . . everywhere." Shea testified to her history with petitioner, recounted the threats he had made to her and to her family over the years, and said that petitioner seemed "fixated" on Casey. The petitioner did not testify or present any evidence. A jury found the petitioner guilty on each count of the indictment.

On July 11, 2021, the trial court sentenced petitioner to (1) not less than one nor more than fifteen years in prison for burglary (breaking or entering into a dwelling house); (2) five years in prison for each of the fourteen counts of wanton endangerment; (3) not less than three nor more than fifteen years in prison on each of the three counts of attempt to commit first-degree murder; (4) one year in jail for fleeing without a vehicle; and (5) one year in the jail for obstructing an officer. The court ordered the sentences to run consecutively to one another. Petitioner now appeals raising five assignments of error.

Petitioner first argues that the trial court violated Rule 404(b) of the Rules of Evidence by allowing evidence at his trial of his prior bad acts towards members of the Emerick family. The petitioner contends that the evidence's prejudicial effect outweighed any benefit and was irrelevant and unreliable. The petitioner cites no legal authority supporting his argument and admits that trying a defendant on charges of wanton endangerment for each shot fired in conjunction with charges of attempted murder does not violate the prohibition against double jeopardy.

Petitioner next argues that the second grand jury presentment, which included additional wanton endangerment charges that were not part of the first grand jury presentment, raised issues of double jeopardy by exposing him to multiple convictions for the same act.

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

In petitioner's fourth assignment of error, he argues that the trial court should have given his proposed jury instruction (which included an option for the jury to find that the underlying felony was second-degree murder) on the count of attempt to commit first-degree murder relating to Casey Emerick. Petitioner admits that the trial court rejected the instruction on the ground that it saw no evidence that petitioner acted without deliberation or premeditation. Moreover, in discussing the suggested jury instruction with the trial court, petitioner's counsel conceded that the instruction was not proper in petitioner's case

In his fifth and final assignment of error, petitioner contests the trial court's imposition of consecutive sentences arguing that, before the shooting, he had no prior convictions and none of his twenty sentences were enhanced.

Appellants' Brief

In the case of the State of West Virginia VS Jeremy Dale Bartram, the lower court erred in the following degrees:

1. The lower court was unlawful in bringing up past incidents that happened between the defendant and the Emerick family.
2. The lower court violated Mr. Bartram's fifth amendment rights by sentencing him to multiple wanton endangerment charges.
3. The State is lacking the amount of evidence needed to justify the lower court's ruling.
4. There was no evidence to support that the murder was premeditated. Therefore Mr. Bartram should not have been charged with anything above second degree murder.
5. The lower court should have had Mr. Bartram serve a concurrent sentence rather than consecutive sentences.

Argument 1

The lower court's decision to breach Rule 404(b) of the West Virginia Rules of Evidence is a clear violation of the defendant's rights. This rule explicitly states that evidence of other crimes, wrongdoings, or acts cannot be used to prove a person's character. By allowing such evidence to be presented, the court has opened the door to bias and prejudice, which can have a significant impact on the outcome of the trial. Furthermore, the introduction of past incidents between the defendant and the Emerick family can create a misleading narrative, leading the jury to make assumptions about the defendant's character rather than focusing on the facts of the case. This is a clear example of how the court's decision can influence the jury's perception of the defendant, and it is essential to address this issue to ensure a fair trial.

Argument 2

The jury is in violation of the 5th amendment of the United States Constitution in regards to double jeopardy; the 5th amendment states that, “nor shall any person be subject for the same offense to be twice put in jeopardy…" It was unlawful for Mr. Bartram to be charged numerous times for the same offense. Furthermore, the second grand jury presentment erred in bringing up additional charges against Mr. Bartram. The US Justice Section 9-11.120 on the Power of a Grand Jury states, “The grand jury cannot be used solely to obtain additional evidence against a defendant who has already been indicted.” Mr. Bartram’s rights were violated in this gross miscarriage of justice, seeing as the jury does not have the right to assign multiple charges to those who have already been indicted.

Argument 3

There is insufficient evidence to prove reasonable doubt was not present. In the context of a criminal trial, this statement highlights the burden of proof that the prosecution must meet to secure a conviction. It emphasizes that the evidence presented must be robust and convincing enough to eliminate any reasonable doubts about the defendant's guilt. This standard is crucial in ensuring that the accused is not wrongly convicted, and it underscores the importance of rigorous evidence-based reasoning in the pursuit of justice.

Argument 4

The court should have given the jury more instruction specifically pertaining to, as stated in the statement of facts, 'an option for the jury to find that the underlying felony was second-degree

murder.' This instruction is crucial in ensuring that the jury fully understands the nuances of the case and the potential implications of their verdict.

By providing more detailed guidance on the option to find the underlying felony as second-degree murder, the court can help the jury to better evaluate the evidence and make a more informed decision. This, in turn, can help to ensure that justice is served and that the defendant is held accountable for their actions.

Furthermore, providing more instruction on this point can also help to prevent any potential misunderstandings or misinterpretations of the law. By clearly outlining the options available to the jury, the court can help to ensure that the verdict is based on a thorough understanding of the evidence and the law, rather than on any misconceptions or misunderstandings.

In conclusion, the court should have provided more instruction to the jury on the option to find the underlying felony as second-degree murder. This would have helped to ensure that the jury was fully informed and able to make a more informed decision, and would have helped to prevent any potential misunderstandings or misinterpretations of the law.

Argument 5

The court should have made his sentences run concurrently. Mr. Bartram's double jeopardy rights were violated. In the case of the State of West Virginia vs. Hardesty the court let some of the defendants' sentences run concurrently in order to avoid multiple sentences for the same thing. The court should have permitted his sentences to run concurrently, especially the multiple

charges of wanton endangerment. He never should have been charged for numerous counts in the first place. Not only did the court violate the double jeopardy clause in the fifth amendment of the constitution of the United States of America.

Conclusion

To conclude, Mr. Bartram rights were violated in numerous ways. His 5th amendment rights were violated, rule 404(b) was not upheld, and there was not sufficient evidence to prove he was guilty beyond a reasonable doubt. Furthermore, Mr. Bartram should have been allowed to have concurrent sentences. Furthermore, the court did not give the jury proper instructions. The statement of facts mentions, "an option for the jury to find that the underlying felony was second-degree murder." The court should have given the jury further instruction regarding this. All this goes to show, without a shadow of doubt, that Mr. Bartram's rights were violated.

Respectfully Submitted,

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Jamie Collins

Attorney for the Appellant

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Izzy Speece

Attorney for the Appellant

Appellee's Brief

Arguments

Argument 1- The evidence used to support the state was not unlawful and did not violate Rule 404(b) of the Rules of Evidence. Douglas D. Terry & Associates, Attorneys state that, "In certain circumstances, courts will admit evidence of a witness' prior convictions to help the fact-finder determine how trustworthy the witness is." The prosecutor brought in evidence that was relevant to the case given that it involved the Emerick family. For instance, according to the statement of facts, a witness saw Mr. Bartram, "Put his head through the window…" and saw that he was "shooting everywhere."

Argument 2- Mr. Bartram claims that his multiple charges for Wanton Endangerment is "double jeopardy". This is incorrect. According to West Virginia state code §61-7-12, Wanton Endangerment is defined as "Any person who wantonly performs any act with a firearm which creates a substantial risk of death or serious bodily injury to another". Any natural person carrying or possessing a firearm or other deadly weapon on the property of another who refuses to temporarily relinquish possession of the firearm or other deadly weapon, upon being requested to do so, or to leave the premises, while in possession of the firearm or other deadly weapon, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000 or confined in jail not more than six months, or both. Therefore, every shot Mr. Bartram took was a new danger to each person present. Ergo, he can be charged for each shot, 14 counts.

Argument 3- Mr. Bartram argued that the trial court's imposition of consecutive sentences was mistaken. The petitioner contested the court's ruling, pointing out that he has no prior

convictions. When it is determined, as provided in WV code §61-11-19, if that the person has been twice previously convicted in the United States of a crime punishable by imprisonment in a state or federal correctional facility which has the same or substantially similar elements as a qualifying offense, the person shall be sentenced to imprisonment in a state correctional facility for life. The statement of facts does not tell us whether or not Mr. Bartram has any prior convictions. WV Code § 61-11-17 (1988) (Repl.Vol.1997) states that the first pertinent statute, commits the calculation of sentences for misdemeanor offenses to the discretion of the sentencing court where there exists no law defining the precise sentence.

Conclusion- In summation, Mr. Jeremy Dale Bartram was sentenced lawfully and appropriately for the crimes he had committed and was convicted of. The evidence proves to be correctly filed and the jury found the evidence sufficient enough to convict Mr. Bartram as guilty.

Respectfully Submitted,

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Brendolynn Williams

Attorney for the Appellee

_____

Taylor Dawson

Attorney for the Appellee

WV Youth in Government 2025

CASE # 5

Donald Gwinn
v
JP Morgan Chase

THE MODEL SUPREME COURT OF THE STATE OF WEST VIRGINIA

Gwinn V JP Morgan

Kaitlin Davis
Attorney for the Appellant

Harper Currence
Attorney for the Appellee

Donald Gwinn

V

JP Morgan Chase

Statement of Facts

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Mr. Gwinn suffered a compensable injury on July 16, 2015, when he tripped over a doorstop, fell down several stairs, and landed on the left side of his body. The pain was so severe that he could not get up by himself. Mr. Gwinn was taken by ambulance to the emergency department at Raleigh General Hospital.

Mr. Gwinn's application for workers' compensation benefits was approved. An MRI revealed preexisting degenerative changes of his spine. Mr. Gwinn's treating physician, Rajesh V. Patel, M.D., an orthopedic surgeon, opined that Mr. Gwinn had spondylolisthesis that preexisted the compensable injury but noted that it had been asymptomatic prior to the compensable injury. Dr. Patel stated in medical reports that the injury worsened Mr. Gwinn's spondylolisthesis, causing symptoms and stenosis which accounted for left leg pain and radiculopathy.

The claim administrator held the claim compensable for left ankle sprain, left knee sprain, left hip sprain, left wrist sprain, unspecified head injury, a lumbar sprain/strain, radiculopathy at L5, and sciatica.

Initially, Dr. Patel recommended conservative treatments including injections, physical therapy, and a weight loss regimen. After Mr. Gwinn reported worsening pain in November 2017, Dr. Patel stated that surgery may be necessary; he requested authorization for another MRI. Dr. Patel reported that a January 2018 MRI revealed spondylolisthesis with neural foraminal narrowing that would require surgery at some point, and he submitted a request for authorization.

Mr. Gwinn also sought additional temporary total disability benefits for November 9, 2020, to January 29, 2021, when Dr. Patel took him off work in anticipation of the requested surgery. In November 2020, the claim administrator denied authorization for an anterior spinal fusion, finding that it was not necessary to treat the compensable injury. In January 2021, the claim administrator similarly denied authorization for the physical therapy meant to follow the requested surgery and denied the request for additional temporary total disability benefits based on the October 2020 finding of Prasadarao B. Mukkamala, M.D., that Mr. Gwinn was at maximum medical improvement. In June 2021, Dr. Patel authored a clinical note reiterating that Mr. Gwinn's spondylolisthesis preexisted the compensable injury but that the fall caused the spondylolisthesis to become symptomatic. While conservative treatments were initially recommended, Dr. Patel ("'A non compensable preexisting injury may not be added as a compensable component of a claim for workers' compensation medical benefits merely because it may have been aggravated by a compensable injury. To the extent that the aggravation of a non compensable preexisting injury rejecting Mr. Gwinn's request for surgery, the claims examiner did not list all the approved diagnoses; she listed only lumbar sprain and lumbar spasm.

Mr. Gwinn continued to have severe limitations in his lower back and left leg, which he experienced since the injury. Dr. Patel stated that the requested surgery would treat the claimant's radiculopathy that resulted because his spondylolisthesis and spondylolysis became symptomatic due to the compensable injury. The employer submitted the medical

report of Chuan Fang Jin, M.D., an Associate Professor with West Virginia University's Department of Occupational Medicine, who evaluated Mr. Gwinn in September 2021.

Dr. Jin diagnosed Mr. Gwinn with chronic low back pain with a sprain-type injury of the lumbar spine superimposed on preexisting degenerative lumbar spine disease with preexisting spondylolisthesis at left L5 over S1. She stated that the underlying pathology for the radiculopathy and sciatica were preexisting degenerative conditions, including spondylolisthesis. Dr. Jin opined that the compensable injury did not cause the spondylolisthesis but stated that it could have triggered the radiculopathy symptoms. She stated that a one-time fall would not cause or accelerate the degenerative process or aggravate or alter the underlying pathologies. Dr. Jin stated that she believed that Mr. Gwinn's worsening symptoms were the result of the natural progression of the preexisting conditions.

In June 2022, the Office of Judges affirmed the claim administrator's orders which denied the requested surgery, physical therapy, and additional temporary total disability benefits. After reciting the medical findings in Drs. Patel's and Jin's reports, the Administrative Law Judge found Dr. Jin's report to be "reliable," but she did not discredit Dr. Patel's reports as unreliable or state that his opinion was less credible than Dr. Jin's.

The ALJ noted that while radiculopathy was included as a compensable condition in the claim, she concluded that the requested surgery would treat Mr. Gwinn's preexisting degenerative conditions and spondylolisthesis, echoing Dr. Jin's report. When addressing the issue of temporary total disability, the ALJ noted that Dr. Mukkamala placed Mr. Gwinn at maximum medical improvement. She concluded that the additional temporary total disability benefits requested were for the period while Mr. Gwinn was awaiting surgery, which was found not to be medically necessary to treat the compensable injury.

The Board of Review adopted the Office of Judges' findings and affirmed its order in October 2022. The ICA affirmed the Board of Review's decision and stated: Here, both Dr. Patel and Dr. Jin agreed that Mr. Gwinn had preexisting conditions that predated the compensable injury. While Dr. Patel believed that Mr. Gwinn's symptoms were attributable to compensation conditions in the claim, Dr. Jin opined that the symptoms were ultimately attributable to preexisting conditions and their natural progression, which were not aggravated by a one-time fall. As such, Dr. Jin opined that any treatment requested by Dr. Patel was aimed at treating non compensable conditions, and the [Office of Judges] and the Board [of Review] agreed with her assessment. Credibility determinations are exclusively reserved for the trier of fact. The ICA found no reason to disturb the "reliance upon the report of Dr. Jin over that of Dr. Patel[,]" with regard to the treatment issue. It also found no error in the Board of Review's order denying Mr. Gwinn's request for additional temporary total disability benefits, noting that he "was taken off of work in anticipation of the requested surgery, which was found to be neither medically necessary nor reasonable related to the compensable conditions."

Mr. Gwinn now appeals the order of the ICA arguing that the ICA erred in affirming previous rulings denying his request for treatment (anterior spinal fusion and physical therapy following this surgery) and corresponding temporary total disability benefits. Mr. Gwinn contends that a preponderance of the evidence demonstrates that this treatment is medically necessary and that he was temporarily and totally disabled while awaiting this treatment. His employer, JP Morgan Chase, responds that Mr. Gwinn is improperly asking this Court to reweigh the evidence.

Issues: Did the ICA err in affirming the Board of Review's decision?

Should Mr. Gwinn been denied treatment and temporary disability benefits?

COURT SUMMARY

Case Name: Mr. Gwinn v. JP Morgan Chase
Case Type: Workers' Compensation Appeal

Summary:
Mr. Gwinn appeals the Insurance Commission of Appeals' (ICA) decision denying his request for treatment (anterior spinal fusion and physical therapy) and temporary total disability benefits related to a compensable injury sustained on July 16, 2015. The ICA affirmed the Office of Judges' and Board of Review's decisions, which found that the requested treatment was not medically necessary to treat the compensable injury.

Key Issues:
Whether the requested treatment is medically necessary to treat the compensable injury.
Whether the ICA properly relied on the report of Dr. Jin over Dr. Patel's report.
Whether Mr. Gwinn was temporarily and totally disabled while awaiting the requested treatment.

Arguments:
Mr. Gwinn argues that a preponderance of the evidence demonstrates that the treatment is medically necessary and that he was temporarily and totally disabled while awaiting this treatment.
JP Morgan Chase responds that Mr. Gwinn is improperly asking the Court to reweigh the evidence.

Court's Task:
The Court must review the medical evidence and the opinions of Dr. Patel and Dr. Jin to determine whether the requested treatment is medically necessary to treat the compensable injury and whether the ICA properly applied the law.

Appellants Brief

This appeal arises from the Insurance Commissioner's Appeals (ICA)'s affirmation of the denial of Appellant's request for treatment and corresponding temporary total disability benefits. On July 16, 2015, Appellant, Donald Gwinn, sustained a compensable injury when he tripped over a doorstop and fell down several stairs. Subsequently, he was admitted to the emergency department at Raleigh General Hospital and received a diagnosis of a lumbar sprain/strain, radiculopathy at L5, and sciatica.

Appellant's treating physician, Dr. Patel, opined that the injury exacerbated his preexisting spondylolisthesis, resulting in symptoms and stenosis that led to left leg pain and radiculopathy.

Despite Dr. Patel's medical expertise, the ICA relied on the report of Dr. Jin, the employer's expert, and ultimately denied Appellant's request for treatment and benefits.
Appellant subsequently sought authorization for an anterior spinal fusion and physical therapy following surgery. However, the claim administrator denied the request, citing Dr. Jin's report as the sole basis for their decision. The Office of Judges and the Board of Review upheld the denial, relying on Dr. Jin's findings. The ICA also affirmed the denial, asserting that the requested treatment was not medically necessary to treat the compensable injury.

The appellant asserts that the Industrial Commission of Appeals (ICA) made a grave error in affirming the denial of his treatment request and corresponding temporary total disability benefits. The appellant contends that the evidence overwhelmingly demonstrates the medical necessity of the treatment and that he was temporarily and totally disabled while awaiting it. Furthermore, the appellant argues that the ICA improperly relied on Dr. Jin's report, which was based on an incomplete review of the medical evidence.

A. The ICA's Relying on Dr. Jin's Report
The ICA's decision to rely solely on Dr. Jin's report was a grave error. Dr. Jin's report failed to consider the opinions of Dr. Patel, the appellant's treating physician. Dr. Patel had been treating the appellant since the date of the accident and had conducted a thorough review of the appellant's medical history and a comprehensive examination of his condition. Dr. Patel's opinions clearly demonstrated the medical necessity of the treatment.

B. The Medical Necessity of the Requested Treatment
The requested treatment, an anterior spinal fusion and physical therapy following surgery, is medically necessary to treat the appellant's compensable injury. Dr. Patel's opinions, based on his thorough review of the medical evidence, clearly show that the treatment is essential to alleviate the appellant's symptoms and improve his condition.

C. Appellant's Temporary and Total Disability
The appellant's temporary and total disability while awaiting the requested treatment is undeniable. The evidence clearly demonstrates that he was unable to work and suffered significant physical and emotional distress due to his injuries.
The appellant, who was temporarily and completely disabled while awaiting the requested treatment, contends that the ICA's finding that his disability was not due to the surgery's medical

necessity is erroneous. His disability stemmed from his compensable injury, and the requested treatment was essential to alleviate his symptoms and enhance his condition.

In light of the aforementioned reasons, the Appellant respectfully requests that this Court overturn the ICA's decision and remand the case for further proceedings. The Appellant is entitled to the requested treatment and the corresponding temporary total disability benefits, and the ICA's denial of his request is unjustified.

Kaitlin Davis
Attorney for the Appellant

Appellees Brief

This appeal arises from the Insurance Commissioner's Appeals (ICA)'s affirmation of the denial of Appellant's request for treatment and corresponding temporary total disability benefits. On July 16, 2015, Appellant, Donald Gwinn, sustained a compensable injury when he tripped over a doorstop and fell down several stairs. Subsequently, he was admitted to the emergency department at Raleigh General Hospital and received a diagnosis of a lumbar sprain/strain, radiculopathy at L5, and sciatica.

Appellant's treating physician, Dr. Patel, opined that the injury exacerbated his preexisting spondylolisthesis, resulting in symptoms and stenosis that led to left leg pain and radiculopathy.

Despite Dr. Patel's medical expertise, the ICA relied on the report of Dr. Jin, the employer's expert, and ultimately denied Appellant's request for treatment and benefits.
Appellant subsequently sought authorization for an anterior spinal fusion and physical therapy following surgery. However, the claim administrator denied the request, citing Dr. Jin's report as the sole basis for their decision. The Office of Judges and the Board of Review upheld the denial, relying on Dr. Jin's findings. The ICA also affirmed the denial, asserting that the requested treatment was not medically necessary to treat the compensable injury.

The appellant asserts that the Industrial Commission of Appeals (ICA) made a grave error in affirming the denial of his treatment request and corresponding temporary total disability benefits. The appellant contends that the evidence overwhelmingly demonstrates the medical necessity of the treatment and that he was temporarily and totally disabled while awaiting it. Furthermore, the appellant argues that the ICA improperly relied on Dr. Jin's report, which was based on an incomplete review of the medical evidence.

A. The ICA's Relying on Dr. Jin's Report
The ICA's decision to rely solely on Dr. Jin's report was a grave error. Dr. Jin's report failed to consider the opinions of Dr. Patel, the appellant's treating physician. Dr. Patel had been treating the appellant since the date of the accident and had conducted a thorough review of the appellant's medical history and a comprehensive examination of his condition. Dr. Patel's opinions clearly demonstrated the medical necessity of the treatment.

B. The Medical Necessity of the Requested Treatment
The requested treatment, an anterior spinal fusion and physical therapy following surgery, is medically necessary to treat the appellant's compensable injury. Dr. Patel's opinions, based on his thorough review of the medical evidence, clearly show that the treatment is essential to alleviate the appellant's symptoms and improve his condition.

C. Appellant's Temporary and Total Disability
The appellant's temporary and total disability while awaiting the requested treatment is undeniable. The evidence clearly demonstrates that he was unable to work and suffered significant physical and emotional distress due to his injuries.

The appellant, who was temporarily and completely disabled while awaiting the requested treatment, contends that the ICA's finding that his disability was not due to the surgery's medical necessity is erroneous. His disability stemmed from his compensable injury, and the requested treatment was essential to alleviate his symptoms and enhance his condition.

In light of the aforementioned reasons, the Appellant respectfully requests that this Court overturn the ICA's decision and remand the case for further proceedings. The Appellant is entitled to the requested treatment and the corresponding temporary total disability benefits, and the ICA's denial of his request is unjustified.

Harper Currence
Attorney for the Appellee

WV Youth in Government 2025

CASE # 6

Richard D.
v
State of West Virginia

THE MODEL SUPREME COURT OF WEST VIRGINIA

Richard D. *Prosecution (Appellant)*	v.	State of West Virginia *Defendant (Appellee)*
Olivia Hanna & Mazey Thomas *Attorneys for the Appellant*		Kamryn Watson & Riley Joslin *Attorneys for the Appellee*

STATEMENT OF FACTS

State of West Virginia v. Richard D.

Petitioner Richard D. appeals the March 11, 2023, sentencing order of the Circuit Court of Jefferson County. On appeal, the petitioner argues that there was insufficient evidence to sustain his convictions, that his sentence was disproportionate, and that the court erred when it denied his motion to impeach the victim, E.R., with evidence that she failed to disclose the petitioner's abuse during a Child Advocacy Center ("CAC") interview in an unrelated case.

In 2020, the petitioner briefly resided with thirteen-year-old E.R. and her parents, A.W. and D.R., in Jefferson County, West Virginia. Amanda W. discovered the petitioner kissing E.R. on the upper chest area, and D.R. removed the petitioner from their home. E.R. later disclosed to her counselor, Nichole Hutzler, that she had sexual contact with the petitioner. After being notified of this, D.R. called the police to investigate.

E.R. was referred to the CAC and was interviewed by Ami Sirbaugh, who had previously interviewed her about unrelated sexual incidents with a person named Russell K. E.R. described the progression of sexual incidents between her and the petitioner while he was staying at her home and helping her father with a construction job. Ms. Sirbaugh asked E.R. if "these things had already happened with [the petitioner]" when she was interviewed about Russell K.'s crimes, and E.R. said "[m]ost of it had happened." Ms. Sirbaugh then asked E.R. why she did not tell her about having sexual relations with the petitioner during her first interview, and E.R. responded that she "didn't think that it was important at that time."

In 2021, the petitioner was indicted for four counts of third-degree sexual assault. Before trial, the circuit court ordered the State to disclose records from E.R.'s phone that were previously obtained during its prosecution of Russell K. The court also ordered that neither party could

introduce evidence that E.R. "was a previous victim of sexual exploitation" unless the issue was first raised outside the presence of the jury. The petitioner then filed a motion to use E.R.'s initial failure to inform Ms. Sirbaugha of her sexual contact with the petitioner to impeach E.R.'s testimony at trial. The court denied this motion, ruling that E.R.'s sexual conduct with Russell K. fell within the scope of the rape shield law and "the mere fact that [E.R.] did not discuss it at that first interview where the subject of inquiry dealt with the Russell individual" was not proper impeachment material because the interview did not pertain to the petitioner, and E.K. believed that she was in a "consensual relationship" with the petitioner.

At trial, A.W. testified that the petitioner had been a "very close friend" of the family who was staying with them while he helped D.R. build a wheelchair ramp outside her father-in-law's house. A.W. stated that when she saw the petitioner kissing E.R.'s chest, the petitioner stated, "I'm sorry, I forgot how old she was." D.R. testified that, after asking the petitioner to leave, he asked the petitioner why he was kissing E.R., "and all he could tell me was that he was a piece of crap."

The State also presented a stipulation of facts that would have been elicited from Cyndi Leahy, a sexual assault nurse examiner. In the stipulation, Ms. Leahy stated that E.R. reported that "four events of penile penetration were committed by [the petitioner] upon her" in 2020. Ms. Leahy's physical examination neither confirmed nor discounted E.R.'s report.

E.R. testified in detail about four separate occasions that she had sexual intercourse with the petitioner at her home in May and June of 2020. When these incidents occurred, E.R. stated she was thirteen years old, and the petitioner was "about to be" thirty years old. E.R. also confirmed that she disclosed these incidents to Ms. Sirbaugh before trial. Further, E.R. testified that the petitioner was asked to leave her home after her mother saw him kissing E.R.'s chest. E.R.

testified that her mother told her father that the petitioner "was sucking on my breast," but the petitioner corrected A.W. "and said that he was not sucking my breast, he was kissing the upper part of my chest which is true."

The petitioner testified that he stayed with E.R. and her family in May and June of 2020, but he denied engaging in sexual intercourse with E.R. The petitioner admitted that A.W. saw him kissing E.R.'s chest, but he denied saying "I'm sorry, I forgot how old she was." The petitioner further admitted that he told D.R. "I know you probably want to punch me. I'm a piece of whatever," but explained that he said this because D.R. thought that he had been "sucking on his daughter's breasts." On cross-examination, the petitioner admitted that, in May and June of 2020, he was twenty-nine years old and E.R. was thirteen years old. During his closing argument, the petitioner argued that it was "unreasonable" to believe that the alleged sexual acts could have occurred in a small home without anyone in the family knowing about it.

The jury convicted the petitioner of four counts of third-degree sexual assault. The circuit court denied the petitioner's motion for a judgment of acquittal, which attacked the credibility of E.R.'s testimony. The court granted the petitioner's motion for a psycho-sexual risk assessment, which was filed with the court. This assessment reflected that the petitioner "would be a fair candidate for probation or home confinement" and recommended "intensive sex offender treatment." The assessment also stated that the petitioner's refusal to take responsibility of the crimes of conviction was a "limiting factor…[that] limits the efficacy of se offender treatment. However, it is possible he may overcome his resistance once he is sentenced." The court rejected the petitioner's request for an alternative sentence and sentenced him to four consecutive terms of one to five years of imprisonment. The petitioner appeals from the court's sentencing order.

APPELLANT'S BRIEF

ASSIGNMENT OF ERRORS

a) The trial court erred in denying his motion to impeach the victim's testimony based on her failure to disclose the petitioner's abuse during her initial interview regarding an unrelated case involving Russell K.

b) The trial court erred in denying his motion for a judgment of acquittal, as the evidence presented at trial was insufficient to sustain the convictions of third-degree sexual assault beyond a reasonable doubt.

c) The trial court imposed a disproportionate sentence by sentencing him to four consecutive terms of one to five years of imprisonment, contrary to the principles of proportionality in sentencing.

ARGUMENTS

Argument 1)

The issue before the court concerns a violation of the petitioner's 6th Amendment right to confront and challenge the credibility of the witness's testimony against him. Under West Virginia rule of evidence 608(b) and the precedent set in the case of State v. Miller, 191 W.Va. 305 (1994), a defendant is entitled to present evidence of prior inconsistent statements to impeach a witness's credibility.

In this case, E.R. failed to disclose any abuse by the petitioner when initially questioned about the incident involving others yet later made accusations that formed the basis of the charges. The omission is a direct inconsistency that goes to the heart of her credibility and the

petitioner had the right to introduce it as impeachment evidence. However, the trial court incorrectly excluded this evidence under the Rape Sheild Law, which is designed to prevent prejudicial inquiries into a victim's sexual history and not to shield inconsistent statements that impact credibility. One example where this law could apply is if a defendant tries to argue that the victim consented because she had intercourse with someone else previously The evidence is not about past sexual conduct, but about the victim's current claim of abuse and whether that claim is consistent with her actions and statements over time. The focus is on her credibility and the inconsistency of her statements, not on her sexual history. By doing so the court deprived the jury of critical information necessary to fairly access the truthfulness of E.R.'s testimony.

This exclusion constituted a substantial error that violated the petitioner's right to a fair trial. Given the weight of this mistake and the importance of the victim's credibility in this case the denial of the motion to impeach was a substantial error that warrants a new trial or reconsideration of the conviction.

Argument 2)

Under West Virginia Rule of Criminal Procedure 29, a motion for judgment of acquittal should be granted if the evidence, when viewed in the light most favorable to the prosecution, is insufficient to support a conviction. In State v. Miller, 212 W.Va. 379 (2002), the West Virginia Supreme Court held that the evidence must be such that a rational jury could have reached a verdict of guilt beyond a reasonable doubt, which is considered the standard of review on appeal.

The petitioner contends that the prosecution's case relied heavily on the testimony of the victim, E.R., and this testimony was not corroborated by physical evidence. Although E.R. testified about multiple instances of sexual contact, the sexual assault nurse examiner, Cyndi

Leahy, could not confirm the victim's report of penile penetration. This lack of physical evidence should raise significant doubt as to the reliability of E.R.'s testimony.

The petitioner denied engaging in sexual intercourse with E.R. He also argued that the alleged acts were improbable given the confined living space in the family home and suggested that it was unreasonable to believe that such acts could have occurred without the family noticing, further raising doubts about the prosecution's claims.

The prosecution's case relied on the credibility of the victim, but her testimony contained inconsistencies, such as the failure to report the petitioner's abuse during her initial interview with Ms. Sirbaugh about Russell K. This omission undermines the reliability of her version of events and makes the conviction unsustainable.

Argument 3)

Under West Virginia Code 61-11-23, a court may sentence a defendant to a term of imprisonment that is appropriate for the offense and the defendant's criminal history. The sentence should reflect the seriousness of the offense while also considering rehabilitative goals. In State v. Frazier, 236 W.Va. 448 (2014), the West Virginia Supreme Court reaffirmed that sentences must not be disproportionate to the nature of the offense and the defendant's individual circumstances.

In this case, the petitioner had no prior criminal history, and the psycho-sexual risk assessment recommended intensive treatment over incarceration. The assessment noted that the petitioner could be a good candidate for probation or home confinement, indicating that his rehabilitation could be more effectively achieved through less restrictive means. Furthermore, the

assessment stated that although the petitioner had not yet taken responsibility for the crimes, there was a possibility that he might overcome this resistance after sentencing.

The imposition of four consecutive prison terms is harsh, especially considering the lack of prior convictions and the petitioner's potential for rehabilitation. The court's refusal to consider alternative sentences, such as probation or home confinement, was contrary to the risk assessment recommendation and the principle of proportionality in sentencing. The petitioner's age, lack of criminal history, and the nature of the offense suggest that a rehabilitative approach would serve both the petitioner and society better than an extended prison sentence

Conclusion

The exclusion of evidence in this case was a significant legal error that undermined the petitioner's right to a fair trial. The Rape Sheild Law was misapplied, as the victim's past sexual behavior, but rather to challenge the consistency and credibility of her statements. The victim's failure to disclose prior abuse in her initial interview directly impacts her reliability as a witness, making it relevant for impeachment purposes. Denying the petitioner the opportunity to present this inconsistency deprived the jury of the necessary information for assessing the truthfulness of the allegations.

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

Respectfully submitted,

Olivia Hanna
Olivia Hanna
Attorney for the Appellant

Mazey Thomas
Mazey Thomas
Attorney for the Appellant

APPELLEE'S BRIEF

ARGUMENTS

Argument 1)

The petitioner argues that there was insufficient evidence to support his convictions for four counts of third-degree sexual assault. This assertion is contradicted by the overwhelming amount of evidence presented at trial. E.R., who was then only thirteen years of age, described explicit sexual encounters, asserting that the petitioner, who was nearly thirty years old at the time, engaged in acts of sexual intercourse with her. Alongside E.R.'s testimony, parents A.W. and D.R. also confirmed that they were eyewitnesses to firsthand inappropriate behavior where A.W. observed the petitioner kissing E.R. on the upper chest area and D.R. then removed him from their home. Also, the stipulation of facts from Cyndi Leahy, the sexual assault nurse examiner, further validated E.R.'s allegations when she said E.R. reported that "four events of penile penetration were committed by the petitioner upon her" in 2020. It is important to recognize that Ms. Leahy's physical examination neither confirmed nor discounted E.R.'s report. The lack of physical evidence does not automatically render the victim's testimony unworthy of belief.

Additionally to denying the accusations, the petitioner asserts that it is "unreasonable" to believe that the alleged acts could have occurred in a small home without any family members being aware of them. This argument fundamentally misunderstands the nature of abuse, specifically in cases involving minors. It is essential to acknowledge that these individuals exploit power dynamics at play, often leading to secrecy and manipulation from the victim to

those around them. E.R. was a thirteen-year-old girl under the influence of a grown man and was likely reluctant to disclose anything due to fear, confusion, and shame.

Argument 2)

The petitioner argues that his sentence of four consecutive terms of one to five years is disproportionate to the nature of his crimes. However, we assert that the trial court correctly crafted a sentence that reflects the severity of the given offenses. Sexual assault against a minor is a grave offense that deserves appropriate accountability and deterrence. Sentencing in such cases must prioritize the protection of vulnerable victims and individuals. The court's decision considered the psycho-sexual risk assessment, which acknowledged the petitioner as a fair candidate for probation or home confinement, but also highlighted that the petitioner's refusal to take responsibility for the crimes of conviction limits the efficacy of intensive sex offender treatment. By not taking accountability for his behavior, the petitioner undermined his chances for a more lenient sentence. The imposed sentence accurately reflects the gravity of the offenses and should be upheld.

Argument 3)

The petitioner contends that the trial court erred in denying his motion to impeach the victim based on her perceived failure to disclose her abuse during her interview for an unrelated case. This assertion is false, as the trial court acted following established legal principles, specifically rule 412(a) [of the West Virginia Rules of Evidence], which lists prohibited uses of introducing the sexual history of a victim of sexual crimes. The prohibited uses include:

1) Evidence offered to prove that a victim engaged in other sexual behavior

2) Evidence offered to prove a victim's sexual predisposition

West Virginia's rape shield law prohibits the introduction of evidence concerning a victim's prior sexual conduct unless it directly relates to the case at hand. Here, E.R.'s previous disclosures regarding unrelated sexual incidents with Russell K. had absolutely no bearing on her credibility regarding the allegations against the petitioner. During cross-examination, E.R. clarified that she initially did not disclose the petitioner's abuse because she did not believe it was relevant at that time. This lack of disclosure is not a consistent admission that would invoke impeachment, nor would it harm any aspect of E.R.'s credibility. It lacked a direct correlation to E.R.'s current claims and respected her privacy concerning her experiences.

Furthermore, the exclusion of evidence under the Rape Shield Law does not inherently deprive the petitioner of a fair trial. Rather, it balances the need for a fair assessment of credibility with the victim's right to protect her dignity during court proceedings. The petitioner received a completely fair trial.

Conclusion

In conclusion, the evidence presented at trial was sufficient to support the petitioner's convictions, and the sentence imposed was well within the court's discretion. The court did not err when it denied the petitioner's motion to impeach E.R. with evidence that she failed to disclose the petitioner's abuse during a CAC interview in an unrelated case. The basis of Richard D.'s appeal lacks sufficient grounding in evidence to warrant a reversal.

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

Respectfully submitted,

Kamryn Watson
Kamryn Watson
Attorney for the Appellee

Riley Joslin
Riley Joslin
Attorney for the Appellee

WV Youth in Government 2025

CASE # 7

Leena Shah and Uday Shah
v
James T. Bowen

THE MODEL SUPREME COURT OF THE STATE OF WEST VIRGINIA

Leena Shah and Uday Shah	vs.	James T. Bowen
Prosecution (Appellant)		Defendant (Appellee)
Joan Wilkerson		Alexis Wuchner
Attorney for the Appellant		*Attorney for the Appellee*

STATEMENT OF FACTS

Petitioners Leena Shah and Uday Shah appeal to the Circuit Court of Mason County's June 28, 2023, order denying their motion to dismiss the respondent's complaint or, alternatively, to stay the proceedings pending arbitration. The petitioners assert that the circuit court erred in denying their motion to dismiss, which was predicated on an agreement between the parties to arbitrate.

The respondent, by cross-assignment of error, asserts that the petitioners failed to request an order containing sufficient findings of fact and conclusions of law to enable meaningful appellate review. Abbreviating the factual and procedural history giving rise to this appeal, Petitioner Leena Shah agreed to purchase New Life Clinics, Inc. ("New Life") from Respondent James T. Bowen in 2015. Ms. Shah eventually defaulted, and according to Mr. Bowen, Petitioner Uday Shah, Ms. Shah's husband, discussed referring laboratory samples from New Life for processing at a laboratory owned by the Shahs. Accordingly, Mr. Bowen sought to "unwind" Ms. Shah's purchase and "buy back" New Life's assets. Mr. Bowen and Ms. Shah entered a repurchase agreement, and Mr. Bowen and Mr. Shah executed a promissory note for the repurchase payment. That repurchase price was later renegotiated, and Mr. Bowen and Ms. Shah signed a "Letter of Intent – Settlement Agreement" on August 4, 2017, to that effect. In that document, Mr. Bowen and Ms. Shah agreed that "[a]ny controversy or claim arising out of or relating to this contract, or the breach thereof, shall be settled in West Virginia by arbitration administered by a nationally recognized arbitration organization." Mr. Bowen then defaulted.

The parties discussed arbitration, selected an arbitrator, met with the arbitrator, identified issues for arbitration, and scheduled arbitration. Mr. Bowen canceled arbitration in advance of their scheduled date, though, and filed suit against the Shahs on June 11, 2021. The Shahs moved to dismiss Mr. Bowen's complaint for lack of subject matter jurisdiction, citing the presence of the arbitration provision and the steps taken by the parties toward arbitration. Alternatively, the Shahs moved to stay the proceedings pending arbitration. Mr. Bowen opposed the Shahs' motion, arguing that the agreements between the parties were void and unenforceable because they were in furtherance of a criminal enterprise, namely Mr. Shah's alleged intention to self-refer in violation of federal healthcare law. Following a hearing, the circuit court denied the Shahs' motion in an order entered on June 28, 2023, which provided only that their motion was denied "for the reasons set forth in [Mr. Bowen's] response and argued on the record by [Mr. Bowen's] counsel." The Shahs now appeal, seeking enforcement of the arbitration provision. In a cross-assignment of error, Mr. Bowen argues that this Court should affirm the circuit court because the Shahs failed to request a reviewable order.

APPELLANT'S BRIEF

ASSIGNMENT OF ERRORS

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

The denial of the motion to dismiss the respondent's complaint.

The claim that the circuit court's order lacked sufficient findings of fact and conclusions of law for meaningful appellate review.

ARGUMENTS

Argument #1- The circuit court erred in denying the Shahs' motion to dismiss the respondent's complaint.

The circuit court erred by denying the Shahs' motion to dismiss based on the binding arbitration agreement that was included in the "Letter of Intent – Settlement Agreement" between the parties. The agreement explicitly stated, "any controversy or claim arising out of or relating to this contract shall be settled by arbitration."

Under the Federal Arbitration Act, courts are required to continue litigation if there is a valid arbitration agreement in place. The court "shall on application of one of the parties stay the trial of the action until such arbitration has been had in accordance with the terms of the agreement." In AT&T Mobility LLC v. Concepcion, 563 U.S. 333 (2011), the Court held that an arbitration clause should be enforced even if it appears to limit access to the judicial process, so long as it does not contravene federal law.

The respondent's reasoning for breaking contract was his claim the Shahs "were in furtherance of a criminal enterprise". There was insufficient evidence presented to warrant a breach of contract from Mr. Bowen. Due to this, Mr. Bowen has intentionally breached contract without legitimate cause.

Argument #2- The Circuit Courts order did not have sufficient findings for dismissal.

The circuit court should not have denied the Shahs' motion to dismiss the respondent's complaint since it failed to provide sufficient explanation as to why the motion was denied. In Anderson v. Bessemer City, 470 U.S. 564 (1985), the Supreme Court held that for an appellate court to conduct a meaningful review, the trial court must issue findings of fact and conclusions of law to explain its decision.

This requirement is not merely procedural but is essential to ensure that the appellate court can understand the reasoning behind the trial court's ruling, assess whether it was legally sound, and determine whether there were any errors in the application of the law. The vague language referenced in the statement of facts does not fulfill the requirement established by *Anderson* as it fails to articulate the specific legal rationale for the court's decision.

CONCLUSION

Based on the arguments presented, the Circuit Court erred in denying the Shahs' motion to dismiss the respondent's complaint. The respondent's claim of the Shahs' involvement in a criminal enterprise lacks sufficient evidence to justify a breach of the agreement, and as such, the respondent's actions in breaching the contract were without legitimate cause. The denial of the Shahs' motion to dismiss was not adequately supported by the necessary findings, further reinforcing the need for a reversal of the decision.

For these reasons, the lower court's judgment should not be upheld in the case of Shah and Shah v. Bowen.

Respectfully Submitted,

Joan Wilkerson

_____

Attorney for the Appellants

ARGUMENTS

Argument #1- The circuit court did not err by denying the motion to dismiss.

The circuit court correctly denied Mr. Bowen's motion to dismiss since the arbitration agreement is void and unenforceable. The agreements between the parties were made before there was alleged illegal conduct. Specifically, laboratory services in violation of federal healthcare law. Contracts that facilitate illegal activities cannot be enforced, including arbitration clauses.

The court properly determined that these agreements were tainted by illegal conduct and, therefore, shall not be enforced, including the arbitration provision. From the case Buckeye Check Cashing, Inc. v. Cardegna, 546 U.S. 440 (2006), the court held that allegations of fraud in the inducement of an arbitration agreement do not make the agreement unenforceable unless the fraud relates specifically to the arbitration clause itself, rather than the entire contract.

At the heart of this case is the argument that the parties' agreement was tainted by illegal conduct, namely, the Shahs' alleged involvement in self-referring laboratory services, which is prohibited under federal healthcare laws, including the Stark Law and the Anti-Kickback Statute. These laws are designed to prevent corruption in healthcare practices, and any agreement or contract made to further such illegal conduct would be void after such practice.

Argument #2- The Circuit Courts order had sufficient findings for dismissal.

The respondent acknowledges that the circuit court's order is brief but argues that the court's reasoning can be inferred from the record and the arguments presented by both parties. In the statement of facts it is quoted, "for the reasons set forth in [Mr. Bowen's] response and argued on the record by [Mr. Bowen's] counsel." The appellant's claim that the order lacks sufficient findings of fact and conclusions of law is without merit because the record itself supports the decision.

Further, the appellant's failure to request more detailed findings at the trial court level should not now be used as a basis to overturn the decision. From the case Thompson v. United States, 408 F.3d 92 (2nd Cir. 2005), the court clarified that a lack of detailed findings does not automatically preclude appellate review if the reasoning is clear from the context and the record.

CONCLUSION

The arbitration agreement, being inherently void due to its connection with illegal activities, is unenforceable under established legal principles. The court's findings, while concise, are adequately supported by the record and the arguments presented by both parties, leaving no valid basis for reversal. Furthermore, the appellant's failure to request more detailed findings at the trial court level should not now be used to challenge the court's order.

For these reasons, the lower court's judgment should be upheld in the case of Shah and Shah v. Bowen.
Respectfully submitted,

Alexis Wuchner

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Attorney for the Appellee

WV Youth in Government 2025

CASE # 8

Rimdaugas K

v

Gerda K

THE MODEL SUPREME COURT OF THE STATE OF WEST VIRGINIA

Rimdaugas K	vs.	Gerda K
Prosecution (Appellant)		Defendant (Appellee)
Attorneys for the Appellant		Attorneys for the Appellee
Shyann Hurst		Skylar Brubaker
Lanie Taylor		Lyda King

Statement of Facts

Petitioner Rimdaugas K. appeals the family's court order to the ICA. This is asserting three assignments of error which include: that based on the evidence presented, the family court abused its discretion by denying his motion to modify the parenting plan for A.K. and E.K.; the family court committed an error in finding that M.K. was not abused, and then failing to impute that abuse to A.K. and E.K.; and that it was an abuse of discretion to consider hearsay evidence and the 2016 order.

The parties were divorced in South Carolina in 2018. They are parents to M.K. who was born in 2005; A.K. who was born in 2008; and E.K. who was born in 2011. Had a temporary custody order after the petitioner took the three children out of the country.The petitioner was then given two weekends per month of visitation.The respondent then moved to West Virginia and the petitioner moved to Georgia. The petitioner filed a petition to transfer jurisdiction over the matter and a petition for modification in West Virginia.

On December 31, 2021, after the petition was filed but before it was heard, M.K. and the respondent had an incident involving a model airplane. This resulted in a state trooper coming to the home and having a referral to the West Virginia Department of Human Services. At a preliminary hearing on the petition in January 2022, the parties agreed to transfer the custody of M.K. at least temporarily to the petitioner, without any admissions by the respondent. The family court approved for the case to be transferred to West Virginia and memorialized the parties agreement regarding the custody of M.K. in a pendente lite order on January 12, 2022. The family court denied a request to appoint a guardian ad litem, but directed CPS to conduct interviews of the minor children and provide a written report (WV code 48-9-301).

The family court conducted a hearing on the petition on March 7,2022 and June 27,2022.There was a CPS worker assigned to the case to investigate the allegations of the abuse. The respondent told the trooper she wasn't interested in pressing charges, and that he felt there was no danger, and that he was going to call in a referral. M.K. reported to the CPS rep. That, in December 2020, he told the respondent that he was not going to believe her"slander" towards/against the petitioner anymore and that was when the significant conflict began.The respondent told M.K.'s sisters A.K. and E.K. not to talk to him. The CPS rep. testified that M.K. reported an incident in May 2012 where he and the respondent were physical with each other; but she couldn't corroborate that incident. M.K. was building and painting a model airplane when the respondent told him to put it away. A scuffle ensued, and while there are conflicting reports about exactly what occurred, both M.K. and the respondent had scratches up and down their arms,

There was picture proof. The respondent Contacted the West Virginia state police which only questioned the respondent and her boyfriend and never questioned M.K. or looked at his arms. M.K. reported to the CPS representative that the trooper told him that he better be glad the respondent wasn't pressing charges. The CPA representative experienced maltreatment from the respondent Upon the questioning done by the family court, the CPS representative said there wasn't quite enough evidence to present the case as abuse and neglect matter but would've been if A.K. and E.K. would've disclosed some information. The CPS report and testimony indicated that both A.K. and E.K. wanted to live with the respondent and that their grades had improved.

The petitioner testified regarding M.K. 's dramatic improvement in grades since the move GA. He also expressed concern in E.K. 's grades and what he perceived as a pattern of excessive punishment by the respondent (Ex: The petitioner testified that the respondent took away A.K. 's cell phone for weeks because she failed to clean her room). Based on the alleged mistreatment of M.K. and what he believed to be a similar pattern with the younger children, the petitioner contended that it was best if all the children lived with him. Regarding the 2016 order in SC, the petitioner disputed that he took the children out of the country without permission and produced e-mails he stated demonstrated a discussion about the trip and return date. He testified that the final order of custody in SC was better for him because he refuted the allegations that he took the children on the trip without the respondent's permission. He claimed that he could not speak English well at the time of the 2016 order and did not initially have an interpreter.

Regarding the 2016 order, the respondent testified that the petitioner left with the children to return to their native country, she believed he was taking them to the beach about 3 hours from where they used to live. She testified that she could not contact the children for 2 days and then received an email from the petitioner that stated they were in their native country, and they didn't have any interest in coming back. The e-mails produced by the petitioner showed a conversation with the respondent about returning to their native country. She stated that was related to what the petitioner would do as a result of their separation. She stated the SC court found the children were removed from the country against her wishes. She disputed the petitioner's contention that he could not speak and understand English well at that time.

The family court entered its "Final Order Modifying Parenting Plan and Child Support" on
September 16, 2022. The family court noted it gave weight to the respondent's exhibits: a picture of the respondent's arm after the model airplane incident, and the 2016 order

from SC. The family court found the petitioner deceptive about the trip out of the country with the children. With the model airplane incident the family court found the state trooper who came to the petitioner's home indicated he was contemplating a juvenile petition against M.K. The family court found that M.K. was “violently unhappy” with the respondent. M.K. did not want the respondent in his life, he identified with the petitioner, and his grades and behavior have improved since moving in with the petitioner. The family court concluded that there was a substantial change in circumstances for M.K., and he had a firm and reasonable preference to live with the petitioner. The family court concluded that there was a substantial change in circumstances for M.K., and he had a firm and reasonable preference to live with the petitioner. They also found that the petitioner encouraged M.K. to behave badly and for all the kids to testify on his behalf. The family court concluded that the petitioner should be named as the primary residential parent of M.K. and time allocation could continue as agreed. The family court found that A.K. and E.K. clearly and unambiguously desired to remain with the respondent. It found no change of circumstances for A.K. and E.K.

Arguments

Argument #1: The family court abused its discretion by denying his motion to modify the parenting plan for A.K. and E.K.

While the CPS representative talked to the children, they did not give much information. There should have been more evidence before concluding that the children were not abused not only physically but mentally/psychologically. Since the CPS representative failed to get information regarding if the children were abused or not, the family court should have interviewed the children privately and not “in camera” being as they are less likely to give information on camera. They also failed to report the mental abuse to the children like taking A.K. 's cellphone for weeks due to failing to clean her room. This seems like an unreasonable punishment for the task they failed to complete. Also when the respondent told them not to talk/instigate M.K., who they have the right to talk to because that is their brother. This concludes that the court abused its discretion in denying the modification to the parenting plan for A.K. and E.K.

Argument #2: The family court committed error in finding that M.K. was not abused, and then failing to impute that abuse to A.K. and E.K.

There was error in finding abuse because with the model airplane incident the state trooper failed to interview M.K. and also failed to look at his arms. The state trooper also failed to interview the other children when this incident occurred. They did however interview the respondent and look at her arms. According to the children the respondent also “slandered” their dad(the petitioner). Also with all the cruel/extreme punishments for small things such as cleaning their rooms and not putting away a model airplane. Also the children's grades had declined or became of concern. Like with M.K., his grades improved after the move to Georgia showing that it was not from the pandemic or any related reason other than neglect of the respondent not helping with work they were struggling on nor encouraging the children to do work. There was also concern with E.K.‘s grades in a subject but they would not have that bad grade/struggle as much if the respondent would help with work they have a difficult time with.

Argument #3: That it was an abuse of discretion to consider hearsay evidence and the 2016 order.

The Petitioner respectfully submits that the Family Court’s decision to consider and rely upon hearsay evidence, as well as the 2016 South Carolina order, constitutes an abuse of discretion. In light of the established rules of evidence and the fundamental principles of fairness, these actions should not have been given weight in the Family Court's decision regarding custody modifications. The Court’s reliance on these improper elements resulted in an unjust determination that does not reflect the best interests of the children.

Conclusion

In conclusion the family court did not have the evidence needed to tell if the children were safe in their home or not. This means they did commit error in finding the children were not abused not only physically like with M.K. and the model airplane but also physiologically like A.K. and the respondents cruel/unreasonable punishments. They did also abuse their discretion in several ways. One way was denying to modify the parenting plan because they had evidence of the respondent physically and mentally abusing the children. Another way is considering hearsay evidence because the things that gave weight should also be considered from M.K. as well; such as the model airplane incident where they interviewed and took pictures of the respondents arm but did not do the same for M.K. or the rest of the children. This evidence also shows that the best interest of the children was not implicated in this decision. If it was there would be greater and more reliable evidence that the children were not abused because from the evidence given they were from the respondent. The state trooper also failed to get information from the children if they were abused and went with the respondents point of view and no others.

Thank you for your time.

Shyann Hurst
Lanie Taylor
Attorneys for the Appellant

APPELLEE'S BRIEF

Argument #1- The family court did not abuse its discretion by denying the appellant's motion to modify the parenting plan for A.K. and E.K.

West Virginia Code § 48-20-201 Initial Child Custody Jurisdiction grants a court in this state jurisdiction to make child custody determinations provided this state is the home state of the child on the date of the commencement of the proceeding.

The appellee has lived in the state of West Virginia with primary custody of children M.K., A.K., and E.K. since 2018. Furthermore, in November 2021 jurisdiction over the matter was officially transferred to West Virginia, at the petitioner's own request. A report and testimony by a CPS worker indicated that both A.K. and E.K. wanted to live with their mother and that their grades had improved as of late.

Family court noted giving weight to the respondent's testimony and prior 2016 order from South Carolina. In consideration of the petitioner's prior deception, taking the children out of the country, without their mother's knowledge or consent, and the contentment of both A.K. and E.K. in their present circumstance, the family court appropriately determined that A.K. and E.K. clearly and unambiguously desired to remain with the respondent. Thus, it correctly assigned no change of circumstances for A.K. and E.K.

Argument #2- The family court did not commit an error in finding that M.K. was not abused, and thus did not fail to impute that abuse to A.K. and E.K.

West Virginia Code § 49-1-201 defines "abused child" as a child who's health or welfare is being harmed or threatened by a parent who knowingly or intentionally inflicts or attempts to inflict

physical injury or mental or emotional injury upon the child or another child in the home. Kanawha County case 22-JA-209 sets precedence in the application of this statute noting that when a lack of evidence indicating such abuse is relevant to the case, then in fact no abuse did occur.

Testimony by the CPS worker assigned to investigate allegations of abuse indicated that no physical altercation could be corroborated for the incident alleged to have taken place in May 2021. Her testimony further narrated a conversation in which the state trooper who responded to the model airplane incident felt there was no danger in the home. Testimony by the CPS worker further indicated that the model airplane incident was in fact a “scuffle” resulting in only scratches on both M.K. and the respondent. Taken aback by the physical altercation with 16-year-old M.K. the respondent herself enlisted assistance from her boyfriend, the West Virginia State Police, and ultimately CPS to address M.K. 's alarming behavior.

The CPS worker upon interviewing the children, M.K., A.K., and E.K. found there was no further danger and no services or safety plans were implemented. She agreed that other allegations were substantiated, and told the court that there was not enough evidence to present the case as an abuse and neglect matter.

West Virginia Code § 49-4-601 requires the petitioner to allege specific conduct including time and place, and how the alleged abuse fits within the statutory definition of neglect or abuse, any supportive services to remedy the alleged circumstances and the relief sought. The appellant failed to provide the specific evidence to the family court.

Based on all testimony presented the family court correctly concluded that the respondent did not in fact abuse M.K., thus also rendering any abuse allegations to A.K. and E.K. equally unsubstantiated.

Argument #3- That it was not an abuse of discretion to consider hearsay evidence and the 2016 order.

The appellant unfortunately mistakenly alleges that the family court considered hearsay in their order to the Intermediate Court of Appeals of West Virginia. Regarding the CPS worker's conversation with the West Virginia state trooper, her testimony relevant to charges for the model airplane incident were objected to and objections were sustained. Instead, the court relied upon the factual evidence and respondent's testimony that she was not charged in the model airplane incident.

The 2016 order was appropriately considered by the family court as it established the historical family dynamic, replete with the appellant's deception regarding his removal of the children from the country and his exaggerated contentions regarding his inability to speak and understand English.

CONCLUSION

In summary, the family court's order to the Intermediate Court of Appeals of West Virginia was based upon facts and law was appropriately applied during the proceedings regarding M.K., A.K., and E.K. It is indeed troubling when family dynamics crumble and children are caught between parents who vie for their children's acceptance. It is understood that the petitioner encouraged M.K. to behave badly and for A.K. and E.K. to testify on his behalf. The result is that M.K. was found to be violently unhappy with his mother. The family court appropriately placed M.K. only with his father and the improved grades and behavior of M.K. substantiates the correctness of that decision. Finding that the younger siblings A.K. and E.K. thrive in their present circumstances it was equally appropriate to order no change in their primary custody. The assertions of errors in the family court's order are nonsensical retaliation by a father who has his interest in winning court proceedings held above the best interest of his children.

Respectfully Submitted,

Lyda King and Skylar Brubaker

Attorneys for the Appellee

WV Youth in Government 2025

CASE # 9

James Hendershot

v

State of West Virginia

The Model Supreme Court of West Virginia

State of West Virginia

V

James Hendershot

Maggie Conrad

Attorney for the Appellant

Carol Russell

Attorney for the Appellee

Lynsie Perdue

Attorney for the Appellant

Lora Fernatt

Attorney for the Appellee

State of West Virginia

v

James Hendershot

Statement of Facts

Petitioner James Hendershot appeals the circuit court's July 22, 2021, order denying his post-trial motions and sentencing him following his convictions for second-degree murder and concealment of a deceased human body.

In his first of three assignments of error, the petitioner claims that the circuit court erred in finding him competent to stand trial. Petitioner argues that the court ignored his attorneys' representations that they had difficulty consulting with him. He asserts further that the court ignored its own observations, including that petitioner rejected a favorable plea offer and, on one occasion, wanted to return to jail rather than speak with his attorneys. Petitioner also claims that the court failed to make findings of fact regarding competency. Petitioner further claims that the evaluator who conducted the third evaluation "informally proposed" a ninety-day competency restoration period, which, petitioner argues, should have caused the court to conclude that he was incompetent. The record shows that the evaluator only offered the suggestion to appease the circuit court or parties should a question remain as to petitioner's competency. The record is equally clear, however, that the evaluator was steadfast in his conclusion that the evaluator was steadfast in his conclusion that the petitioner was competent to stand trial.

Next, the petitioner claims plain error in the circuit court's permitting a medical examiner to testify to the victim's autopsy in place of the medical examiner who performed that autopsy. The petitioner argues that he was deprived of the opportunity to fully cross-examine the medical examiner who performed the autopsy in violation of his right of confrontation.

Lastly, the petitioner claims that the evidence was insufficient to support his conviction for concealment of a deceased human body. His argument in support—that "[t]he only evidence proffered to show an intent to conceal the body was that the thermostat was set to [fifty-eight] degrees on a cold day".

State of West Virginia Vs James Hendershot
Appellant's Brief

Assignments of Errors
The court erred in the following particulars:

1. The court incorrectly ruled that Mr. Hendershot was competent at the time of trial.

2. The court should have made it possible for the petitioner to face and question the medical examiner who performed the autopsy and authored the autopsy report.

3. The court incorrectly found there to be sufficient evidence in a case full of reasonable doubt.

Argument #1
Justice Manual Code 18 U.S.C. § 4241(a) states that, "In determining whether the defendant is competent to stand trial, the court must determine 'whether [the defendant] has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding -- and whether he has a rational as well as factual understanding of the proceedings against him.' *Dusky v. United States*, 362 U.S. 402 (1960)." You don't need a 90-day competency restoration period if you are competent, they gave my client the 90-day competency which just proves that he was not competent at the time of the trial. Evidence shows that he was incompetent by having "rejected a favorable plea offer" and preferring to go back to jail than to speak to his attorneys. These are not the attentions of a sane man.

Argument #2
The United States Supreme Court case of Bullcoming v. New Mexico, 564 US 647 states that, "Statutes governing these procedures typically 'render… otherwise hearsay forensic reports admissible[,] while specifically preserving a defendant's right to demand that the prosecution call the author/analyst of [the] report.'" Given this, Mr. Hendershot is correct in stating that he was unjustly "deprived of the opportunity to fully cross-examine the medical examiner who performed the autopsy" connecting in with this case. He should've been given the right to face and question someone responsible for such a critical piece of evidence.

Argument #3
There's not sufficient evidence to prove that he is guilty of concealing the body. The Law Offices of Andrew D. Myers stated, "Preponderance of the evidence requires tipping the scales of justice just over 50%, like 50.01%." The temperature alone is not enough proof to show that he was attempting to hide the body.

Conclusion

In Conclusion, the court erred in the following particulars. There is not enough evidence. The only evidence they have on him is circumstantial. They contend that he intentionally set his house thermostat to 58 degrees as a means of hiding the presence of the body. While this is unusual, it is not concrete proof that the defendant even knew a crime had been committed. Additionally, the court did not fully explore the possibility of Mr. Hendershot being incompetent. Nor did they require the presence of the medical examiner who authored the autopsy report.

Respectfully Submitted,

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Maggie Conrad
Attorney for the Appellant

_____

Lynsie Perdue
Attorney for the Appellant

Appellees' Brief

Argument #1: The petitioner was competent to stand trial. WV State Code 27-6A-3 states that, "If the court of record finds that the defendant is not competent, the court shall make a further finding as to whether there is a substantial likelihood that the defendant can attain competency within 90 days." The court granted this to petitioner James Hendershot, meaning his rights were met. Furthermore, WV State Code 27-6A-3 goes on to state that a motion for continuance must be filed within twenty days, otherwise, "the findings of the court become final order." In other words, Hendershot was given ninety days to be assessed regarding his competency. The statement of facts contends that, as a result of this assessment, "the evaluator was steadfast in his conclusion that the petitioner was competent to stand trial." If Hendershot found issue with this decision he should have filed a motion for continuance within the twenty-day allotment. Because he failed to do so the court's findings become final. The court's findings stand because he did not file for continuance within the twenty-day period.

He has a right to his attorney. He was arrested and when being arrested you are read your rights. The officers would have told him he had a right to an attorney. Even if he was unable to afford an attorney, he would have been provided a court-appointed attorney. WV State Code 29-21-9 states, "The state must provide legal assistance to people who cannot afford legal counsel." Mr. Hendershot was provided with an attorney. He stated, "he'd want to return to jail rather than speak with his attorneys," but is arguing that he was never given an attorney in the first place. Even though he argues this, he was provided with an attorney, regardless of whether or not he liked the lawyer(s).

Argument #2: The statement is only true if the original medical examiner is unavailable. In code §61-12-10, it states, "an autopsy shall be conducted by the chief medical examiner or his or her designee, by a member of his or her staff, or by a competent pathologist designated and employed by the chief medical examiner under the provisions of this article," which is what happened by law. The medical examiner who performed the autopsy had the requirements needed to perform the autopsy. In the petitioner's case, he states that it is a plain error in the circuit court due to being deprived of a full cross-examination. In the same code, it states, "…if requested by the prosecuting attorney of the county, or of the county where any injury contributing to or causing the death was sustained, a copy of the report of the autopsy shall be furnished to the prosecuting attorney.", this clearly states that the petitioner can get a copy of the report, not testify the victim's autopsy. The only way another medical examiner can testify to the victim's autopsy is if the original medical examiner is unable to testify or it is in the public's best interest. If the petitioner cannot find evidence to prove those two factors, the argument is nonnegotiable.

Augment #3: In the fourth paragraph, it states "The only evidence proffered to show an intent to conceal the body was that the thermostat was set to [fifty-eight] degrees on a cold day". The

thermostat being set to fifty-eight on a cold day, is definitely not normal. The personal injury firm, Williams DeLoatche, P.C. stated, “Every fact or piece of evidence admitted into the case has to be more likely true than not true in order to meet the burden of proof. To illustrate this point, a judge or a jury must be at least 50.1% sure that the facts being presented are true.” It’s more than dubious for a person to set their thermostat at fifty-eight degrees in the winter, a time of the year when homes need to be kept warm to keep pipes from bursting.

Conclusion: In conclusion, the petitioner was found competent for the trial, he had no setbacks and the court confirmed it. He was given an assessment and was seen as competent for trial. He was told he had the right to an attorney, and he was provided with one by the state. Though it did not meet the standards of the petitioner, the laws were still followed, and was given an attorney. Lastly, he was only allowed a medical examiner to testify that met the standards of the law, which he had, and he could only switch the medical examiner who testifies if the original examiner is unable to attend trial.

Respectfully Submitted,

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Carol Russell
Attorney for the Appellee

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Lora Fernatt
Attorney for the Appellee

WV Youth in Government 2025

CASE # 10

Carl Wayne Rich

v

State of West Virginia

The Model Supreme Court of the State of West Virginia
State of West Virginia
V
Carl Wayne Rich

Carl Wayne Rich Defendant Appellant	vs	State of West Virginia Prosecution Appellee

Kenton Stump Attorney for the Appellant	Kaitlyn Davis Attorney for the Appellee

Statement Of Facts

In the summer of 2018 petitioner Carl Wayne Rich was involved in a methamphetamine argument with victim Jay Andrew Boothe. After not being able to locate his cellphone Mr. Rich grabbed a compound bow pointed it at Mr. Boothe and shot him one time killing him. Mr. Rich was then charged with first degree murder of Carl Wayne Rich and was taken to court.

During his trial he argued that he did not point the bow with intent to kill Mr. Boothe but to simply intimidate him. During the trial the state impeached its own witnesses Franklin Bailes because of contradictions in his two testimonies. The result of the trial was Mr. Rich being sentenced to a life recidivist sentence for his conviction of voluntary manslaughter.

On July 16th, 2021, Mr. Rich filed an appeal to have the court remanded to the circuit court for resentencing. Mr. Rich claims that there was an error in the circuit court's denial of his motion for a new trial. Carl stated that the impeachment was improper as the State did not actually seek to impeach Mr. Bailes but sought to introduce hearsay under the guise of impeachment and because the trial court did not conduct the requisite balancing under Rule 403 of the West Virginia Rules of Evidence. The circuit court has stated that they believe any error was harmless while the petitioner disagrees. As the petitioner believes the jury returned a compromise verdict and that Mr. Bailes testimony would have affected the outcome of the trial.

Appellant brief: Carl Wayne Rich was found guilty of voluntary manslaughter on November 8th, 2019, where he received a recidivist life sentence.

Assignment of Errors: A Errors made by the judge in the State of West Virginia vs. Carl Wayne Rich include the fact that there was indeed a problem with balancing under Rule 403 which is a rule that states that a court is able to exclude any information that is likely to cause prejudice, confusion, or waste time instead of providing value to the trial. The judge brought forth Franklin Bailes as a witness but his information was believed to fall under this rule leading to his information being excluded in the final ruling of the case. This was a mistake on the judges part, because as our petitioner claimed, there was not requisite balancing under rule 403. This is apparent in the judges decision to prematurely place all of Mr. Bailes information in this category and avoid using it as a solid piece of evidence because it leads to the conclusion that more trials might be necessary.

Argument #1: Mr. Bailes testimony was a solid piece of evidence that was improperly placed under rule 403.

The information that Mr. Bailes provided was placed into the category of rule 403 because it was believed to be information that was going to lead to confusion or simply just lead to a dead end or end up providing no value to the case. This is not the case as Mr. Bailes had plenty of information that could lead to a better understanding of the events that took place and how they took place.

Argument #2: The initial recidivist life sentence that Carl Wayne Rich received should be reconsidered in the light of the fact that this was offense as an aware adult.

This is because Mr. Rich was a minor at the time of these previous offenses being 16-17 years of age during his offense of delivery of a controlled substance in 2010, and only around 10-11 years old in 2004 during his first offense of burglary.

Conclusion: The outcome of Carl Wayne Rich vs State of West Virginia was not the appropriate conclusion to this case. Utilizing the evidence that was rejected could have changed the outcome along with many other factors and therefore this case should be reconsidered in the Supreme Court.

Respectfully Submitted,

Kenton Stump
Attorney for the Appellant

Apellees Brief: The State of West Virginia Vs. Carl Wayne Rich trial resulted in the sentencing of Carl Wayne Rich where he was found guilty of voluntary manslaughter and was given a life recidivist sentence.

Argument #1: Franklin Bailes contradicting testimonies makes his information not have enough weight to shift the outcome of the trial.

Mr. Bailes first testimony to police contradicted his statement given during the trial in certain respects. These contradictions make any information given during the trial fall under rule 403 of West Virginia Rules of Evidence. The rule states that a court is able to exclude any information that is likely to cause prejudice, confusion, or waste time instead of providing value to the trial.

Argument #2: Carl Wayne Rich has been convicted of multiple different offenses.

Mr. Rich has been convicted a multitude of times. Including drug distribution of cocaine in 2009, burglary in 2004, and of course voluntary manslaughter in 2019. Looking at the three strikes law or in West Virginia known as recidivist act this would be his third felony which would result in a life sentence which he was rightfully given.

Argument #3: Carl Wayne Rich's possession of methamphetamines alone is a felony charge which would result in the same jail time.

Being caught with possession of a schedule 2 drug category, which methamphetamine falls under is a felony charge. As this was proven during the trial, this alone is enough to convict Carl Wayne Rich to recidivist life in prison.

Conclusion:
Overall, the outcome of the Carl Wayne Rich vs State of West Virginia came out how it should have. With the evidence and testimonies provided Carl Wayne Riches conviction is justified and has no reason to go to the supreme court for further judging.

Best Regards,
Kaitlyn Davis
Attorney for the Appellee

WV Youth in Government 2025

CASE # 11

State of West Virginia

v

Mother S.K.-21

The Model Supreme Court of the State of West Virginia

State of West Virginia

v

Mother S.K.-21

Reghan Cutlip
Attorney for the Appellant

Gabriella Mullens
Attorney for the Appellee

STATEMENT OF FACTS

Petitioner Mother S.K.-21 appeals the Circuit Court of Kanawha County's October 23, 2023, order terminating her parental rights to S.K.-1, arguing that the circuit court erred by terminating her parental rights without granting an improvement period.

In October 2021, the DHS filed a petition alleging that the petitioner gave birth to the child in a toilet. Upon the child's admission to the hospital, his umbilical cord tested positive for methamphetamine, amphetamine, fentanyl, norfentanyl, cocaine, THC, benzodiazepine, and tramadol. Furthermore, the child was given antibiotics because of the petitioner's positive screen for syphilis.

The petitioner had her parental rights terminated to two older children in prior cases, also due to her substance abuse issues. Therefore, the DHS alleged that the child was abused and neglected.

The petitioner waived her right to a preliminary hearing later the same month and tested positive for illicit substances at that time. In March 2022, the circuit court held an adjudicatory hearing, for which the petitioner was not present but was represented by counsel.

Based on testimony of a Child Protective Services ("CPS") worker, which confirmed the allegations in the petition, the court found clear and convincing evidence that the child was abused and neglected, and that the petitioner was an abusing parent based upon her substance abuse. The court further found that this case involved aggravated circumstances due to the petitioner's prior terminations. Nevertheless, the court ordered the DHS to provide services to the petitioner including drug screening, substance abuse treatment, parenting education, adult life skills classes, bus passes, and supervised visits in the event the petitioner produced three negative drug screens.

The petitioner thereafter filed a written motion for a post adjudicatory improvement period. The circuit court proceeded to disposition in August 2022, at which time the DHS and guardian supported termination of the petitioner's parental rights. The petitioner was once again not present but was represented by counsel. Counsel for the petitioner proffered that she had checked into an inpatient substance abuse treatment facility and requested a continuance.

Upon calling the facility to verify, counsel reported that the petitioner left the night prior and advised the court that she was aware of the hearing; therefore, the court denied the requested continuance and proceeded to take evidence. A CPS worker testified that the petitioner did not drug screen or visit the child, and only sporadically participated in parenting and adult life skills classes.

Reminding the court of the petitioner's prior terminations, the CPS worker stated, "here we are again . . . this is not [the petitioner's] first time."

Following this hearing, the petitioner appealed the circuit court's August 11, 2022, conclusory dispositional order, and this Court vacated and remanded for entry of a sufficient order. See In re S.K., No. 22-709, 2023 WL 6144623, at *3 (W. Va. Sept. 20, 2023)

(memorandum decision). On remand, the circuit court entered a new dispositional order on October 23, 2023. In that order, the court found that the DHS made reasonable efforts to achieve reunification despite the presence of aggravated circumstances, yet the petitioner failed to consistently participate or appear for many of the hearings in this matter, including adjudication and disposition. The court further found that the DHS's evidence was uncontroverted and denied the petitioner's motion for an improvement period because she failed to demonstrate that she was likely to participate. Finding no reasonable likelihood that the conditions of abuse or neglect could be substantially corrected in the near future and that it was necessary for the welfare of the child, the court terminated the petitioner's parental rights. It is from the October 23, 2023, dispositional order that the petitioner appeals.

APPELLANT'S BRIEF

ASSIGNMENT OF ERRORS

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

The circuit court erred in failing to ensure the DHS made reasonable efforts toward reunification.

The circuit court erred in violating the petitioner's due process rights.

The circuit court erred in denying the petitioner's request for an improvement period without clear and convincing evidence.

ARGUMENTS

Argument #1 – The circuit court erred in failing to ensure the DHS made reasonable efforts toward reunification.

The petitioner's parental rights were wrongfully terminated without ensuring the DHS fulfilled their duties toward family reunification required by W. Va. Code §49-4-610. Under this code, it states the DHS is required to make reasonable efforts to reunify families. When ruled aggravated circumstances exist, this does not automatically exempt DHS from providing services if reunification is in the child's best interest. The case, *In re B.H.*, 754 S.E.2d 743, 233 W. Va. 57 (W. Va. 2014), states "In making the final disposition in a child abuse and neglect proceeding, the level of a parent's compliance with the terms and conditions of an improvement period is just one factor to be considered. The controlling standard that governs any dispositional decision remains the best interests of the child."

Further, the record shows that DHS did not provide adequate efforts in accommodating the petitioner due to her circumstances. It is stated that the petitioner "sporadically participated" in life skills and parenting classes, but no efforts by the DHS to address the causes of this inconsistency, such as transportation, scheduling, or intensive support due to her substance abuse history, were made. Case "*In re C.M.*, 770 S.E.2d 516, 235 W. Va. 16 (W. Va. 2015)" declares "Reasonable efforts require more than merely offering services; they demand that the Department actively assist parents in accessing those services and overcoming barriers that prevent full participation. The adequacy of these efforts must be evaluated in light of the parent's specific circumstances and needs." Altogether, the petitioner was ordered services to complete, but did not receive additional assistance to fulfill the tasks.

When terminating parental rights, the court must articulate how DHS's efforts were deemed sufficient. These efforts must be clearly outlined in the dispositional order noted by W. Va. Code §49-4-604. However, the court's dispositional order failed to include the specific details of DHS's efforts toward reunification. The absence of these necessary findings constitutes reversible error.

Argument #2 - The circuit court erred in violating the petitioner's due process rights.

The circuit court deprived the petitioner of her due process rights, protected under the Fourteenth Amendment. In cases of child welfare, due process requires parents be given a meaningful opportunity to participate in the proceedings, to contest any evidence against them, and to present their own case. The court's refusal to grant the petitioner these opportunities significantly hindered her ability to prepare and present a defense.

Proceeding in the petitioner's absence and presenting undue weight to her prior parental terminations ignored the necessary assessment of the present circumstances. Due process mandates the opportunity for parents to rehabilitate and not be judged based on prior failures. The Supreme Court in "Santosky v. Kramer, 455 U.S. 745 (1982)" awards parents facing termination of their rights "fundamental fairness" in proceedings against their children. This includes an evaluation of the parental efforts and potential for rehabilitation. The violation of these rights caused the trial to be unconstitutional.

Argument #3 - The circuit court erred in denying the petitioner's request for an improvement period without clear and convincing evidence.

The petitioner's request for an improvement period was supported by her efforts to enter inpatient treatment and engage in the court ordered services. The case of "*In re Willis*, 157 W. Va. 225, 207 S.E.2d 129 (W. Va. 1973)" emphasizes "In a proceeding for the termination of parental rights, the parent is entitled to a full and fair hearing, and the court must consider all relevant evidence, including the parent's efforts to remedy the conditions that lead to the termination." This reinforces the principle that parents must be given the opportunity to present evidence regarding the steps they've taken to improve their circumstances. The court's decision to deny the improvement period was an abuse of discretion as there was provided evidence that the petitioner was willing to participate in the ordered services.

The court inadequately considered the barriers of the petitioner's compliance. Her inability to stay in inpatient treatment and her "sporadic participation" was not sufficiently examined. The standard requires courts to assure accommodations are made to allow for adequate participation. The failure of these considerations further undermines the court's decision of denying an improvement period.

CONCLUSION

The petitioner's parental rights were prematurely terminated by the circuit court. The court failed to ensure reasonable reunification efforts were made by the DHS, which includes making accommodations for barriers she was facing. She did not receive a thorough individualized assessment of her present circumstances and efforts, yet the court terminated her parental rights as a last resort when all the reasonable efforts to reunify had not yet been exhausted. The circuit court's decision constitutes a violation of statutory law and due process principles. The lower court's decision should be overturned.

Respectfully submitted,

_____

Reghan Cutlip
Attorney for the Appellant

APPELLEE'S BRIEF

ARGUMENTS

Argument #1- The petitioner is a drug abuser, refusing to improve regardless of the court's efforts.

The court elucidates that the petitioner mother S.K.-21 was dependent on drugs of the following: methamphetamine, amphetamine, fentanyl, nor fentanyl, cocaine, THC, benzodiazepine, and tramadol. She was claimed to have given birth on the toilet and passed on the STI, syphilis, to the baby. Furthermore, the child was treated in the hospital for this disease following this period. The court found that she was unsuitable to parent the child during this time.

After appealing to the court that she was not given an improvement period S.K.-21 was given the services of drug screening, substance abuse treatment, parenting education, adult life skills classes, bus passes, and supervised visits if the petitioner produced three negative drug screens. However, the petitioner chose to refuse taking the drug screenings or visiting the child. S.K-21 rarely participated in the parental/life skills classes. §62-15-8 of W. Va. Code enforces that, "(b) The drug offender shall be ordered to submit to frequent, random, and observed drug testing to monitor abstinence."

Considering this information, she did not meet the requirements to regain custody. Ultimately, refusing to comply with the state standard is an automatic ending for the "improvement period." Moreover, S.K-21 will no longer be able to attempt this trial period due to the fact that she refused the testing, and did not properly participate in the required services.

Argument #2- The petitioner lacks the responsibility and mental stability to care for the child.

The court found that these examples further found that S.K-21 was an abusive parent who made the child suffer neglect through drugs and abuse. Nevertheless, CPS testified that because of these reasons the petitioner no longer had any valid reasons for custody over the child.

Because of these proven accusations S.K.-21 is concisely not suitable to raise the child. §61-8D-3 of W. Va. Code states, "(c) Any parent, guardian or custodian, or person in a position of trust in relation to a child who abuses a child and by the abuse creates a substantial risk of death or serious bodily injury..." The mother consumed multiple drugs during her pregnancy, resulting in a risk for the child to develop long term damage.

Consequently, under the definition of this article, S.K-21 should be charged with the consequences of the actions that she has chosen to commence.

Argument #3- These circumstances are repetition of past events and are not of the first occurrence.

On October 23, 2023, the circuit court entered a dispositional order to make efforts at reunification. The petitioner did not comply with these requirements and did not show presence at the hearings in the matter. Despite S.K.-21 appealing to the court and claiming that she was not given a trial period, CPS claims that during 2022 she refused their services.
In case, "IN RE: A.L.C.M. (2017)," the circuit court is asked the following question: "Is a Petition for Relief from Parental Abuse and Neglect alleging abuse and/or neglect of an unborn child who is subsequently born alive, actionable under West Virginia law?" To which they responded with a simple yes.

Further, considering this information, it is deemed necessary to consider the fact that the mother can legally be charged for neglect towards the now born child.
This case also elucidates, "...when a child is born alive, the presence of illegal drugs in the child's system at birth constitutes sufficient evidence that the child is an abused and/or neglected child, as those terms are defined by W. Va. Code § 49-1-201 (2015) (Repl. Vol. 2015), to support the filing of an abuse and neglect petition pursuant to W. Va. Code § 49-4-601 (2015) (Repl. Vol. 2015)." In summary, with this given information it can be concluded that there is verification to support the neglect/abuse the child has been subjected to.

CONCLUSION

To summarize, the petitioner did not show apparent evidence that she represented any quality reasoning to see the child. S.K.-21 no longer holds the rights to visit or repurpose them due to her lack of participation in the options given by the circuit court. Moreover, the mother should be charged with the consequences of her wrongs committed. For the reasons stated above, we request that the court sides with the appellee and permanently terminate parental rights to the child, cutting off complete custody to the mother.

Respectfully submitted,

_____
Gabriella Mullens
Attorney for the Appellee

WV Youth in Government 2025

CASE # 12

Michael W.
v
Jennifer W.

THE MODEL SUPREME COURT OF THE STATE OF WEST VIRGINIA

Michael W.	Jennifer W.
vs.	
Defendant (Appellee)	Prosecution (Appellant)
Ash Roth Attorney for Appellee	Gray Hunter Attorney for the Appellant

Statement of Facts

Jennifer W. and Michael. W. married in November 2001. She was nineteen years old at the time, and he was twenty. They have two adult children, ages twenty and twenty-one, and one minor child who turns eighteen in March 2024. Jennifer W. attended one semester of college. Michael W. has technical training but no college degree. For most of the marriage, Michael W. worked full-time at AK Steel while Jennifer W. stayed at home to raise the children, though she did some part-time work to supplement the family's income.

Jennifer W. filed for divorce in September 2020, and the family court held a telephonic evidentiary hearing in February 2021. At the time, two minors remained in the parties' home in West Virginia. Michael W. was living in a second home in Ohio to be near his employment. The parties agreed on a property distribution that included allocating the West Virginia home to Jennifer W. and the Ohio home to Michael W. The amount of spousal support, however, remained in dispute, and after hearing testimony from both parties, the family court took the matter under advisement.

On June 23, 2021, the family court entered an order awarding "spousal support in gross" of $10,000. After deducting $5,113.83 from this amount to equalize the parties' property distribution, the court ordered Michael W. to make twelve payments of $397 per month starting in August 2021, plus an extra payment of $122.17 (totaling the remaining balance of $4,886.17) to be made by August 31, 2022. The beginning of these payments was timed to account for the fact that Michael W.'s child support was scheduled to drop from $1,317 per month to $920 per month when the middle child became an adult in July 2021. Thus, Michael W.'s monthly child-support payments and spousal support payments, over time, were as follows:

	May 2021 -	Aug. 2021 -	Aug. 2022 -	June 2024 –
Child Support:	$1,317	$920	$920	$0
Spousal Support:	$0	$397	$0	$0
Total:	$1,317	$1,317	$920	$0

In support of this award, the family court made the following findings of fact: (a) that Jennifer W. earns approximately $21,000 per year as a teacher's aide, netting $1,668 per month; (b) that Michael W. earns approximately $102,000 per year as a maintenance technician, netting $5,778 per month; (c) that Michael W.'s net income is about three-and-a-half times greater than Jennifer W.'s net income; (d) that, by agreement, Jennifer W. raised the couple's children during the marriage and did not have a full-time job until September 2019; (e) that Jennifer W. postponed educational and career opportunities during the marriage and could not "substantially increase her income-earning ability" within a reasonable time through education or training; (f) that Michael W. has "much higher" earning capacity and benefitted from Jenifer W.'s time at home; (g) that the children no longer require much parental attention; (h) that the parties lived a "relatively comfortable middleclass life" during the marriage and would have to "adjust their lifestyle" due to the divorce; (i) that Jennifer W.'s monthly expenses exceed her monthly net income; (j) that Michael W.'s child support payment of $1,317 per month enabled Jennifer W. to meet her monthly expenses; and (k) that Michael W. exaggerated his expenses and had "discretionary income to pay spousal support." Significantly, the family court also found that when Michael W.'s child support payment fell to $920 per month, Jennifer W. would not be able to meet her monthly expenses.

Jennifer W. appealed to the circuit court, which affirmed the family court. Despite affirming the family court, the circuit court found "clear" evidence that Michael W.'s usual annual income was "$30,000 to $40,000 less" than the $102,000 of annual income found by the family court, which Michael W. attributed to extra overtime worked in 2020. The court also noted that some of Michael W.'s income resulted from sharing the Ohio home with roommates, which he did not plan to continue. According to the court, Jennifer W.'s requested spousal support of $1,500 per month exceeded Michael W.'s ability to pay while Jennifer W.'s monthly income met her basic needs "between her [own] income and the amount she receives monthly in child support." The circuit court entered its order affirming the family court on October 6, 2021, and Jennifer W. filed this appeal.

APPELLANT'S BRIEF

ASSIGNMENT OF ERRORS

1) Did the Circuit Court err by awarding lump sum alimony instead of permanent spousal support?

2) Did the court use the 20 specific factors in determining the amount and duration of spousal support?

Argument #1-The Circuit Court should have awarded permanent spousal support for Jennifer W. instead of lump sum alimony due to consideration of the 20 factors of spousal support determination such as her inability to provide income for herself, her sacrifice for their children, discrepancies in income, the duration of their marriage, and their ages and life circumstances. Despite her acquisition of a higher paying job, the income was not sufficient for Jennifer's monthly expenses. Jennifer sacrificed her ability to advance her career in order to raise the couple's children; this allowed for Michael to advance his career during this time. Because of this, the Circuit Court should have awarded permanent spousal support to equalize the divorce settlement.

Argument #2-The court did not account for all 20 factors of determining spousal support in the decision of a lump sum alimony. The consideration of all 20 factors should have resulted in a higher awarded degree of spousal support due to the amount of discrepancies and sacrifices made by Jennifer in the marriage. If all factors were considered, the court should have awarded Jennifer a higher degree of spousal support. Marriage circumstances such as their 19 years of marriage and their approximate 19 years of cohabitation should contribute to the allocation of a higher degree of spousal support by establishing context for the couple's financial and caretaking dependency. Michael's benefit from Jennifer's caretaking of the children allowed for Michael to maintain his career and income. Jennifer forfeited her time and effort to raise the couple's children, hindering her ability to obtain an education or training to advance her career. Therefore, Jennifer's income was inhibited to the extent of her inability to support herself comfortably. These factors should have been taken into account during the determination of spousal support gradation.

Gray Hunter

Attorney for the Appellant

APPELLEE'S BRIEF

ASSIGNMENT OF ERRORS

1) Did the Circuit Court err by awarding lump sum alimony instead of permanent spousal support?

2) Did the court use the 20 specific factors in determining the amount and duration of spousal support?

Argument #1- The circuit court did not need to award permanent spousal support; lump sum alimony perfectly suffices along the lines that the reasons and factors were followed correctly such as the fact, Jennifer W. does have full-time employment as of 2019, property distribution was in Jennifer W's favor, Jennifer W had three years where she could've acquired additional education or job experience 2019-2022, from the time of 2021 to 2022 Jennifer, W could have used some of her funds towards earning capacity career or training, a child support payment of $920 could cover the cost of education costs therefor spousal support wouldn't be required, Jennifer W has a full-time job and is not affected just because she's a custodial parent, state of West Virginia states that there's no guarantee or obligation to help a spouse after divorce unless by a legal court issued order.

Argument #2- Decision for the lump sum was fully fair and followed all the guides and regulations for each party. To name a few, Jennifer W. had a higher college education than Michael W did. There was clear evidence that Michael actually had less income than stated. Jennifer W's income supported her: "Jennifer W's requested spousal support of $1500 per month exceeded Michael W ability to pay while Jennifer W's monthly income met her basic needs between her (own) income and the amount monthly in child support" to conclude the circuit court made a fair and justice decision.

Ash Roth

Attorney for the Appellee

WV Youth in Government 2025

CASE # 13

State of West Virginia
v
Darryl Harvey

The Model Supreme Court of the State of West Virginia

State of West Virginia	vs.	Darryl Harvey
Defendant (Appellee)		Prosecution (Appellant)
Lila Roman Emily Suarez		Audrey Ferguson Jacob Boyette
Attorneys for the Appellee		Attorneys for the Appellant

Statement of Facts

Petitioner Darryl Harvey appeals the Circuit Court of Kanawha County's February 28, 2023, order that resentenced him to consecutive terms of five to eighteen years of imprisonment for two counts of second-degree robbery.

On appeal, the petitioner presents one assignment of error, arguing that his sentence violated due process because the court considered impermissible factors.

In August 2017, the petitioner was indicted for three counts of second-degree robbery. The petitioner entered into a plea agreement with the State in July 2018, whereby he agreed to enter an Alford plea to two counts of second-degree robbery. In exchange, the State agreed to remain silent as to sentencing and dismiss the remaining count in the indictment.

At sentencing, petitioner's counsel requested the circuit court to order an alternative sentence or concurrent sentences, noting that the petitioner had demonstrated support from
his family in Indiana, attended Narcotics Anonymous meetings in jail to address his history of substance abuse, had no other felony convictions, and had "worked his whole life . . . [and] was going to school." The petitioner exercised his right to allocution and spoke of the insight he had gained into "the influence of drugs and bad company" on his life.

The circuit court acknowledged the petitioner's remorse and family support but expressed concern about the nature of the offenses, which occurred during the daytime at a pharmacy, and his use of an air gun that "everyone believed . . . was a real gun" to commit the robberies. The court acknowledged "a very troubling situation" within the community, where "people just think[] it's okay to go in and rob our pharmacy. And hold people at what they believe is gunpoint and threaten them." Regarding the petitioner's criminal history, the court
noted that he had charges that had been dismissed and opined that "if people's charges weren't dismissed by the time they hit the big leagues and are in front of me, maybe something else would've happened in their lives . . . ." The court sentenced the petitioner to serve two consecutive terms of five to eighteen years imprisonment, and the petitioner now appeals.

On appeal, the petitioner argues that the circuit court relied on impermissible factors when imposing his sentence. According to the petitioner, the court made comments at the sentencing hearing that "demonstrated a personal bias" against the petitioner because he "came [from] out of state and committed crimes against a business in a neighborhood personally known to the sentencing court." He also complains that the court demonstrated bias when it "observed that if other jurisdictions had done their job . . . and incarcerated the Petitioner, then the court's neighbors would not have been the victims of crime." The circuit court imposed two consecutive sentences of five to eighteen years of imprisonment for the petitioner's crimes of second-degree robbery. The petitioner considers the circuit court's alleged personal bias to be a decisive factor in sentencing

Appellant's Brief

ASSIGNMENT OF ERRORS

There was an error in the trial court in the following particulars:
a) The court erred when it considered charges that had previously been dismissed.

b) The court erred in displaying a personal bias due to the appellant being from out of state, as well as having a personal connection with the neighborhood in which the crime was committed.

ARGUMENTS

Argument #1 – The court was incorrect when it considered charges which had previously been dismissed by the State.

When the court took into account previous charges which had been dropped, it violated Harvey's fifth amendment right to due process in a court of law. The expungement of criminal records applies to those charges against a person which have been dismissed. Upon expungement, the proceedings in the matter shall be considered never to have occurred. When Harvey agreed to an Alford plea, the charges which were dismissed could no longer be held against him. West Virginia State Code 61-11-25.

When the court considered charges that the state had previously dismissed, it was in the wrong as the dismissal signified the state's decision not to pursue a case and teh court should respect that decision. This is supported by stare decisis, meaning to stand by things decided, rather than again bringing to light past discrepancies. Dismissal is a form of judicial finality, meaning the court's decision remains permanent and binding. Finality allows legal disputes to be resolved, preventing endless litigation, and proving stability in legal matters. Res Judicata means that once a court has made a final decision, it is setlled law and cannot be retried in another case brought in a different court.

Argument #2 – The court was incorrect when it displayed a personal bias for the neighborhood in which the crime was committed and against the petitioner for being from another state.

West Virginia rules of professional conduct and West Virginia code of Judicial Ethics requires a judge's recusal in cases where bias may be a concern. To ensure impartiality and fairness, a judge must be objective and open-minded. Code Of Judicial Conduct Rule 2.2 Impartiality and Fairness.

The court's personal opinions influenced the sentencing decision beyond the facts of the crime. The court knew the neighborhood where the crime had occurred and had bias to impose a harsher sentence. A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice. A judge who manifests bias or prejudice in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute.

Examples of manifestations of bias or prejudice include but are not limited to epithets; slurs; demeaning nicknames; negative stereotyping; attempted humor based upon stereotypes; threatening, intimidating, or hostile acts; suggestions of connections between race, ethnicity, or nationality and crime; and irrelevant references to personal characteristics. A judge must avoid conduct that may be perceived as prejudiced or biased. The court had made comments at the sentencing hearing that demonstrated a personal bias. West Virginia Code of Judicial Conduct Rule 2.3 Bias, Prejudice, and Harassment.

Bias or prejudice can infringe a person's right to a fair trial. Thus, as in the civil context, procedural due process requires criminal cases to be overseen by an unbiased judge and decided by an impartial jury. Constitution's fourteenth amendment, Section 1.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed. The requirement of an impartial jury is secured not only by the Sixth Amendment, which is as applicable to the states as to the Federal Government, but also by the Due Process and Equal Protection Clauses of the Fourteenth Amendment, and by the Due Process Clause of the Fifth Amendment. If a state chose to provide juries, the juries had to be impartial. Constitution's sixth amendment.

CONCLUSION

The trial court should not have resentenced the petitioner to two consecutive terms of five to eighteen years of imprisonment for two counts of second degree robbery because it deprived Darryl Harvey of his right to due process. His sentence violated due process because the court considered impermissible factors and the circuit courts alleged personal bias was a decisive factor in sentencing. The circuit court erred when considering charges that had previously been dropped as per West Virginia State code 61-11-25. Additionally, the courts history regarding the neighborhood the crime had been committed added another layer of personal bias. Darryl had changed his ways and was simply requesting alternate or concurrent sentences.

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

Respectfully submitted,

_____

Audrey Ferguson

_____

Jacob Boyette

Attorneys for the Appellant

APPELLEE BRIEF:

ARGUMENTS

Argument #1: The Circuit Court appropriately considered the nature and context of the offense.

The trial courts have broad discretion in sentencing and may consider a broad range of circumstances, including the nature of the offense, impact on victims, and community safety. The court emphasized that the robberies occurred during the day, at a pharmacy, and with an air gun that appeared real. These circumstances justify the judge's concern for community safety and were valid and relevant under sentencing guidelines.

Argument #2: The remarks of the court do not constitute impermissible bias.

The court's general observations about a pattern of pharmacy robberies are legitimate concerns for public safety and are not evidence of a personal prejudice against the petitioner. Judges are not forbidden to regard more general contextual considerations if the sentence is still tailored to the facts of the individual case. The court also noted Harvey's remorse and family support as an indication that it did take mitigating factors into account as well.

CONCLUSION

The court of sentencing exercised its discretion and based its finding on grounds within the allowable basis related to the petitioner's actions and the situation at hand. No unlawful bias can be presumed against the court, nor did it otherwise violate due process. The sentence by the Circuit Court should, as such, be upheld.

Respectfully submitted,

Lila Roman and Emily Suarez

Attorneys for the Appellee

WV Youth in Government 2025

CASE # 14

State of West Virginia
v
Leslie G.

The Model Supreme Court of the State of West Virginia

State of West Virginia	vs.	Leslie G.
Prosecution (Appellant)		Defendant (Appellee)

Aubreigh Anderson	Joelle Gonchoff
Attorney for Appellant	Attorney for the Appellee

Statement of Facts

Petitioner Leslie G. intercepted e-mails and cell phone text messages of J. M., her youngest child's father, for several months in 2018. Following a 2021 jury trial in Putnam County, she was convicted of one count of interception of electronic communications, a felony under West Virginia Code § 62-1D-3 (2007). In this appeal, Petitioner asks for a new trial and claims that the trial court's response to a jury question during deliberations—where it defined the statutory term "tortious act"—was overly broad and prejudicial. Petitioner also argues that she has been denied her constitutional right to a complete trial transcript to adequately prepare an appeal because several sidebars conducted during jury selection were not transcribed.

Petitioner and the victim, J. M., cohabitated and have a child together. By all accounts, their relationship was toxic; they obtained domestic violence protective orders against each other at various times. After J. M. and Petitioner were no longer living together, he suspected that Petitioner was accessing his e-mails and cell phone text messages and using this information for various reasons including interfering with his employment search. He reported the matter to law enforcement and in November 2019, a grand jury indicted Petitioner on one count of interception of electronic communications. At the trial held in June 2021, J. M. testified that when he was living with Petitioner, he purchased a cell phone on her plan. And when he bought a tablet to go back to school, Petitioner set up an iCloud account using his tablet. J. M. said that he was not computer savvy at the time, but later learned that everything on his devices was shared to the iCloud account where Petitioner accessed it. J. M. said that he never gave Petitioner permission to access his personal information, even when they were together.

The lead investigator in the case, Trooper C. J. Eastridge with the West Virginia State Police, testified that he obtained a search warrant that led to the seizure of Petitioner's cell phone. He gave it to Roger Dale Mosley, a technician employed by the West Virginia State Police Digital Forensics Lab, who performed a data extraction on the cell phone. Trooper Eastridge determined that Petitioner accessed a variety of J. M.'s electronic communications including e-mails and text messages from January 2018 to October 2018, and then saved this information on her cell phone.

Trooper Eastridge testified that Petitioner intercepted J. M.'s e-mail conversations with his attorney, the child's guardian ad litem, the victim's advocate at the Putnam County Courthouse, and J. M.'s potential employers. Trooper Eastridge said that his investigation revealed that Petitioner created a fake e-mail account, using a different name, and e-mailed J. M.'s potential employers. He cited a specific example where Petitioner used this fake account to e-mail a potential employer about J. M.'s application to work as a gym manager. The subject line of this e-mail read "Applicant information [J. M.]", and the first three sentences of the e-mail read, "I worked with this individual at his previous employer, Planet Fitness. He was terminated . . . due to his own misconduct. He is applying to other facilities stating Planet Fitness asked him to do things he was uncomfortable with. This is simply untrue and being addressed." Trooper Eastridge said that this prospective employer later e-mailed J. M., and said, in part, "I sincerely apologize but we will not be able to conduct today's call. We will let you know once

we're able to reschedule. Thank you." Trooper Eastridge said that he confirmed with J. M. that he was not called to work there.

Petitioner testified that before their baby was born, J. M. gave her permission to access everything on his cell phone and that he never withdrew that consent even after they broke up. Petitioner admitted that she continued to monitor his e-mails and text messages, claiming that "was the agreement." Petitioner also admitted that she collaborated with J. M.'s mother to create the fake e-mail account from which e-mails were sent to J. M.'s potential employers.

> When instructing the jury on the elements of the crime, the trial court said, in part, that
>
> [i]nterception of electronic communication occurs when any person intentionally intercepts, attempts to intercept or procures any other person to intercept any electronic communication or intentionally uses the contents of any intercepted electronic communication. . . . It is lawful for a person to intercept an electronic communication where one of the parties to the communication [has] given prior consent to the interception unless a communication is intercepted for the purpose of committing any criminal or tortious act in violation of the [C]onstitution or laws of the [U]nited [S]tates or the [C]onstitution o[r] the laws of this State. . . .

During deliberations, the jury sent the judge a note reading, "Can the court inform the jury the legal definition of a tortious act in WV?" Following the jury's question, the trial court conferred with counsel about how to respond. Petitioner's counsel suggested the court say, "A tort is a civil wrong that causes a claimant to suffer loss or harm resulting in legal liability for the person who commits the tortious acts and for which the claimant suffers damages." The trial court rejected this proposed answer, reasoning "that definition injected a bunch of words that would almost have to be defined themselves again[.]" The trial court provided a typed answer to the jury which stated, "Tortious is an adjective of the word 'tort.' Tortious means constituting a tort. A tort is an act that brings harm to someone; an act that infringes on the rights of others."

The jury found Petitioner guilty. She filed a motion for a new trial under Rule 33 of the West Virginia Rules of Criminal Procedure, arguing that the trial court's definition of "tortious act" was overly broad and prejudicial. The trial court denied the motion.

In February 2022, the trial court sentenced Petitioner to five years in the penitentiary and fined her $1,000. But it suspended the sentence and ordered that Petitioner be placed on home confinement for five years. This appeal followed.

Appellants Brief

Assignments of Errors

a) The trial court erred in ruling the petitioner guilty of intercepting private messages when permission was granted by J.M.
b) The trial court erred when having to ask verification of a term and using it wrongfully.

Arguments

Argument #1 – The trial court was incorrect when it found the petitioner guilty.

When the court decided that the defendant was guilty, they failed to recognize the fact of J.M. granting permission to intercept the messages. For someone to be properly charged every fact needs to be properly considered for a fair trial.

Argument #2 – The trial court erred when having to ask verification of a term and using it wrongfully.

The facts state that the jury sent a note to the judge questioning the meaning of "tortious." A jury should be able to easily identify meanings of certain words used in a court system.

Conclusion

The trial court should not have found the petitioner guilty of receiving private messages because all facts were not considered. J.M. granted Leslie G. permission to intercept the private emails and cell phone text messages. The court also erred when the jury requested the explanation of a term that should have been know, and it was continued to be used wrongfully.

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

Respectfully submitted,

_____

Aubreigh Anderson

Attorney for the Appellant

Appellee's Brief

Arguments

#1: Term described is basic, understandable language for jury.

The official definition of Tortious is: "A tort is a civil wrong that causes a claimant to suffer loss or harm resulting in legal liability for the person who commits the tortious acts and for which the claimant suffers damages." This definition has many complex words which could be interpreted in multiple ways and would need defined. Instead, they used the definition of: "Tortious is an adjective of the word 'tort.' Tortious means constituting a tort. A tort is an act that brings harm to someone; an act that infringes on the rights of others." This description is accurate upon comparison.

#2: Protective orders revokes given consent and consent was not given for purpose of used.

Despite consent never being revoked, due to the protective orders put in place to protect both parties from abuse the consent was taken when orders were set in place. Consent of usage was not given to Leslie G. to go through his email and impose into his information after orders were placed to keep each other from harming the other. According to West Virginia Code §39A-2-1, when consent is given, it is for a specific specified reason and anything else is treated as breach of code.

#3: Impersonating an ex-employer goes against West Virginia Code §61-3-24d.

According to Code §61-3-24D, "any person who willfully deprives another of any money, goods, property, and services by means of fraudulent pretenses, representations or promises shall be guilty of the larceny thereof." Leslie impersonated an ex-employer and lead to J.M.s job interview being cancelled depriving him from services and money that the job would provide him.

Conclusion

Leslie G. was rightfully convicted as the term definition was correct, consent was never given for the purpose of Leslie's intent, and she impersonated a previous employer while spreading false information about previous employment. Her trials outcome should be upheld as the jury's decision was correct based on West Virginia Code and Constitutional rights.

Outcome of previous trial should be upheld.

Respectfully submitted,

Joelle Gonchoff

Attorney for the Appellee

WV Youth in Government 2025

CASE # 15

Misty Kruse

v

Tourja Farid, MD

The Model Supreme Court of West Virginia

Misty Kruse	**v**	**Tourja Farid, MD**
Emily McBee Attorney for the Appellant		Chloe Pickett Attorney for the Appellee

Misty Kruse

V

Touraj Farid, MD

Statement of Facts

The facts giving rise to the instant appeal began in July 2009 when Ms. Kruse had her gallbladder removed at Raleigh General Hospital. After being discharged, Ms. Kruse returned to Raleigh General Hospital a few days later, and Dr. Farid performed an endoscopic retrograde cholangiopancreatography, during which procedure he inserted temporary stents into Ms. Kruse's common bile duct and pancreatic duct. The day after the surgery, Ms. Kruse left the hospital AMA, at which time she signed and dated a form entitled "Leaving the Hospital Against Medical Advice," which provided that

> I, Kruse, Misty, a patient in Raleigh General Hospital of Beckley have determined that I am leaving the hospital, and I acknowledge and understand this action of so leaving the hospital is against the advice of the attending physician and of hospital authorities.
>
> I further acknowledge that I have been informed of the possible dangers and risks to my health and the health of others by my so leaving the hospital at this time, and I have been given full explanation of the consequences of my leaving the hospital and I do not wish any further explanation.
>
> I assume the risk and accept the consequences of my departure from Raleigh General Hospital at the time and hereby release all health care providers, including the hospital and its staff, from all liability and responsibility for the ill effects that may result to myself, my family and to others resulting from this discontinuance of treatment in the hospital.
> I have read and fully understand this document and understand the risk and benefits of leaving Against Medical Advice.

Ms. Kruse signed and dated this document on July 19, 2009, immediately before she left the hospital. The nurses who witnessed her signature indicated that she did not appear to be intoxicated or confused and that they had informed the appropriate person of Ms. Kruse's departure. Although Ms. Kruse signed the form indicating that she understood that she was leaving the hospital AMA, she now claims that she believed that she was being discharged and did not appreciate that she was leaving AMA. Additionally, while the stents that Dr. Farid inserted were intended to be removed within several weeks or a few months of their insertion, Dr. Farid did not inform Ms. Kruse that they needed to be removed; as to this point, Dr. Farid stated that his customary practice is to inform stent patients that the stents would need to be removed and to schedule a follow-up appointment for that purpose, but that Ms. Kruse had already left the hospital AMA when he went to speak with her. Moreover, Ms. Kruse did not, on her own, follow up with Dr. Farid regarding the removal of her stents.

In December 2013, Ms. Kruse was admitted to Charleston Area Medical Center in acute distress. Following evaluation, the cause of Ms. Kruse's symptoms was determined to be blockages of her two stents, which had never been removed. Ms. Kruse was diagnosed with an infection of the biliary tree, ascending cholangitis, and sepsis, and required stent removal, a ventilator, and intensive antibiotic treatment to recover.

Thereafter, Ms. Kruse served Dr. Farid with a pre-suit Notice of Claim and Screening Certificate of Merit as required by the West Virginia Medical Professional Liability Act ("MPLA"), W. Va. Code §§ 55-7B-1 to -12 (LexisNexis 2016 & Supp. 2019), and filed the underlying complaint alleging that Dr. Farid had violated the standard of care and had negligently failed to inform her of the need to remove the stents he had inserted and failed to provide follow-up medical care. In this regard, Ms. Kruse's complaint alleged that

> Defendant [Dr. Farid] violated the standard of care and was negligent in not informing Misty Kruse of the importance of removal of the biliary stent, and failing to inform her that plastic biliary stents are not long-term, implantable devices. Dr. Touraj Farid further violated the standard of care because no follow-up arrangements were made to remove the biliary and pancreatic duct stents. . . .

Dr. Farid responded by stating that Ms. Kruse's departure from the hospital AMA effectively terminated the doctor-patient relationship and, by leaving AMA and signing the above-referenced form, she had released Dr. Farid from liability for any "ill effects" resulting from her departure. Dr. Farid additionally moved for summary judgment, which motion the circuit court granted by order entered April 24, 2018. In rendering its ruling, the circuit court determined that "the patient/doctor relationship between Plaintiff [Ms. Kruse] and Defendant [Dr. Farid], as well as the relationship between the facility [Raleigh General Hospital] and patient [Ms. Kruse], effectively ended the day that the Plaintiff [Ms. Kruse] left the hospital against medical advice." The court additionally ruled that "[m]edical professionals cannot force patients, especially patients who have the cognitive ability to make independent decisions, to accept medical care if they do not want to participate in that care." Finally, the court concluded that

> if the patient/doctor relationship ended in this case when the Plaintiff [Ms. Kruse] [Dr. Farid] owed the Plaintiff [Ms. Kruse], to provide follow up care, also ended when the Plaintiff (Ms. KruseO signed herself out of the hospital against medical advice, then any duty that the Defendent (Dr. Farid) owed the Plaintiff, to provide follow up care, also ended when the Plaintiff made that decistion to leave the hospital against medical advice.

From this decision, Ms. Kruse appeals to this Court.

APPELLANT'S BRIEF

ISSUES:

1) Did Dr. Farid have a duty to follow up with Ms. Kruse?
2) Did the circuit court improperly apply "contract" law?
3) Did Ms. Kruse receive competent medical treatment both before and after she left the hospital AMA?

Argument #1- Once Ms. Kruse had been in the care of Dr. Farid, it had been his duty to counsel Ms. Kruse on her health and well-being. It is also a doctor's duty to provide follow-up care for their patients and to review any procedure done. Dr. Farid states that "his customary practice is to inform stent patients that the stents would need to be removed and to schedule a follow-up appointment for that purpose" but failed to inform and schedule a follow-up with Ms. Kruse when he knew the risks of leaving the temporary stents in her bile duct and pancreatic duct. Dr. Farid states that "Ms. Kruse's departure from the hospital AMA terminated the doctor-patient relationship" and that when she left she had "released Dr. FArid of liability for any "ill effects" resulting from her departure" which shows how Dr. Farid knew of the risks but did not care for Ms. Kruse's safety as he wasn't liable.

Argument #2- Though Ms. Kruse did sign and date the "Leaving Hospital Against Medical Advice" form, she was never informed of not being discharged nor of her recent procedure which needed a follow-up to remove the temporary stents. The "contract" law should only be applied if Ms. Kruse knew the risks in which the stents could cause. The form Ms. Kruse signed states that "I further acknowledge that I have been informed of the possible dangers and risks to my health and the health of others by my so leaving the hospital at this time, and I have been given full explanation of the consequences of my leaving the hospital" while Dr. Farid never informed her of any dangers or risks of leaving the hospital. Ms. Kruse complaint alleged that "Defendant [Dr. Farid] violated the standard of care and was negligent in not informing Misty Kruse of the importance of removal of the biliary stent, and failing to inform her that plastic biliary stents are not long-term, implantable devices. Dr. Touraj Farid further violated the standard care because no follow-up arrangements were made to remove the biliary and pancreatic stents". The circuit court ruled that "[m]edical professionals cannot force patient, especially patients who have the cognitive ability to make independent decisions, to accept medical care if they do not wish to participate in that care," though Ms. Kruse was never informed of additional medical care. With these factors, the circuit court improperly applied the "contract" law as the terms on the contract are false.

Argument #3- Ms. Kruse was never informed of the risks of the procedures that Dr. Farid had done nor knew the risks of leaving the stents in her bile duct and pancreatic duct. Before her procedures, Dr. Farid never consulted Ms. Kruse about the temporary stents that would be placed

in her bile ducts and pancreatic ducts. He never told Ms. Kruse that the stents would need to be removed or the risks that could occur if they were to be left in. He also never consulted with Ms. Kruse to schedule a follow-up appointment for the removal of the stents. After her medical treatment, Ms. Kruse was never warned or informed that the stents would need to be removed nor of the risks if the stents were left in. This resulted in Ms. Kruse being admitted to Charleston Area Medical Center in “acute distress” with her being diagnosed with an infection in the biliary tree, acceding cholangitis, and sepsis, all caused by the blockage of the stents that were never removed. All of Ms. Kruse’s pain and expenses could have been avoided if Dr. Farid had provided competent medical treatment and had scheduled a follow-up appointment.

Respectfully Submitted,

Emily McBee

Attorney for the Appellant

Appellee's Brief

ASSIGNMENT OF ERRORS

1) Did Dr. Farid have a duty to follow up with Ms. Kruse?
2) Did the circuit court improperly apply "contract" law?
3) Did Ms. Kruse receive competent medical treatment both before and after she left the hospital AMA?

Argument #1 – No, Dr. Farid did not have a duty to follow up with Ms. Kruse. According to the document Ms. Kruse signed, she "release[s] all health care providers…from all liability and responsibility of the ill effects that may result… from this discontinuance of treatment in the hospital." Ms. Kruse signed this document with full awareness that as she did so, she was to be fully responsible for any incidents that have occurred from leaving the hospital. Additionally, after her treatment and signing out, she never scheduled a follow-up appointment with Dr. Farid. Four and a half years later, she ended up in the hospital because of her stents never being removed. Over four years seems to be a long time to never schedule another appointment to check up on her health. She clearly dismissed any important information regarding her medical condition and didn't deem it necessary to return to the hospital even though she was fully informed of her current medical state, as the document describes.

Argument #2 – The circuit court correctly applied "contract" law. The court examined the document that Ms. Kruse signed the day she left the hospital against the advice of the health care providers. In doing so, they determined that the relationship between Ms. Kruse and Dr. Farid, along with the hospital, was indeed terminated the day she signed the contract agreeing to have liability over the possible outcomes of her disregarding medical advice and leaving the hospital.

Argument #3 – Ms. Kruse did indeed receive competent medical treatment from the hospital. When in the hospital, Ms. Kruse received the right care that she needed in order to help her recover. When Dr. Farid went to find her in order to inform her of her current medical status and schedule an appointment to remove the stents, she had already signed out of the hospital herself. Although, she never got to learn about the needed removal of the stents, she was given a full explanation of her current medical status as required by singing the document. However, it's because of Ms. Kruse herself that she had issues with her stents. She was the one who signed out against medical advice. She was the one who didn't schedule a follow-up appointment to check on her health. Medical professionals are not capable of forcing patients to receive care when they have the full ability to deny it. Therefore, since Ms. Kruse denied the medical care needed, Dr. Farid couldn't force her to comply to more medical treatment.

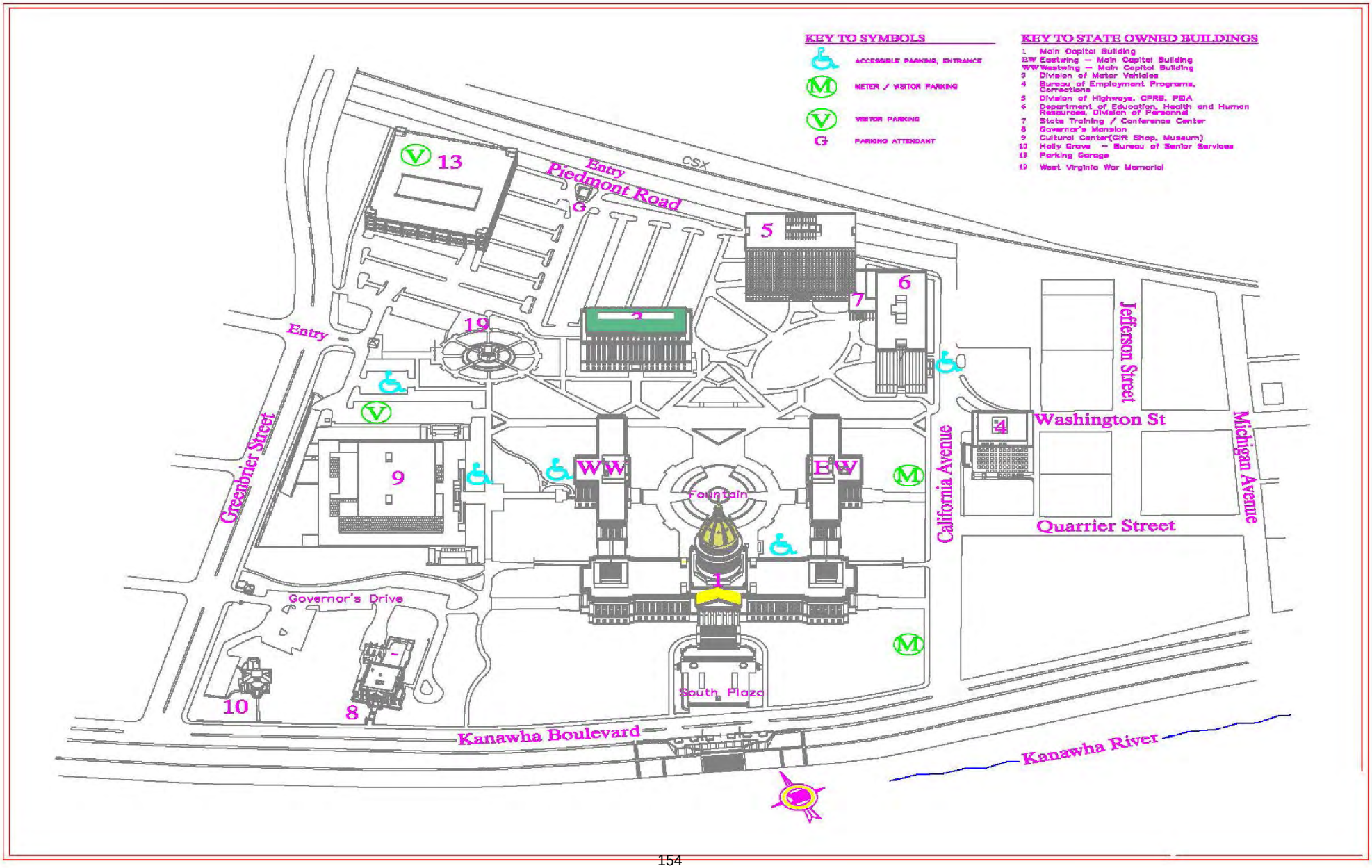
Respectfully,

Chloe Pickett

Attorney for the Appellee

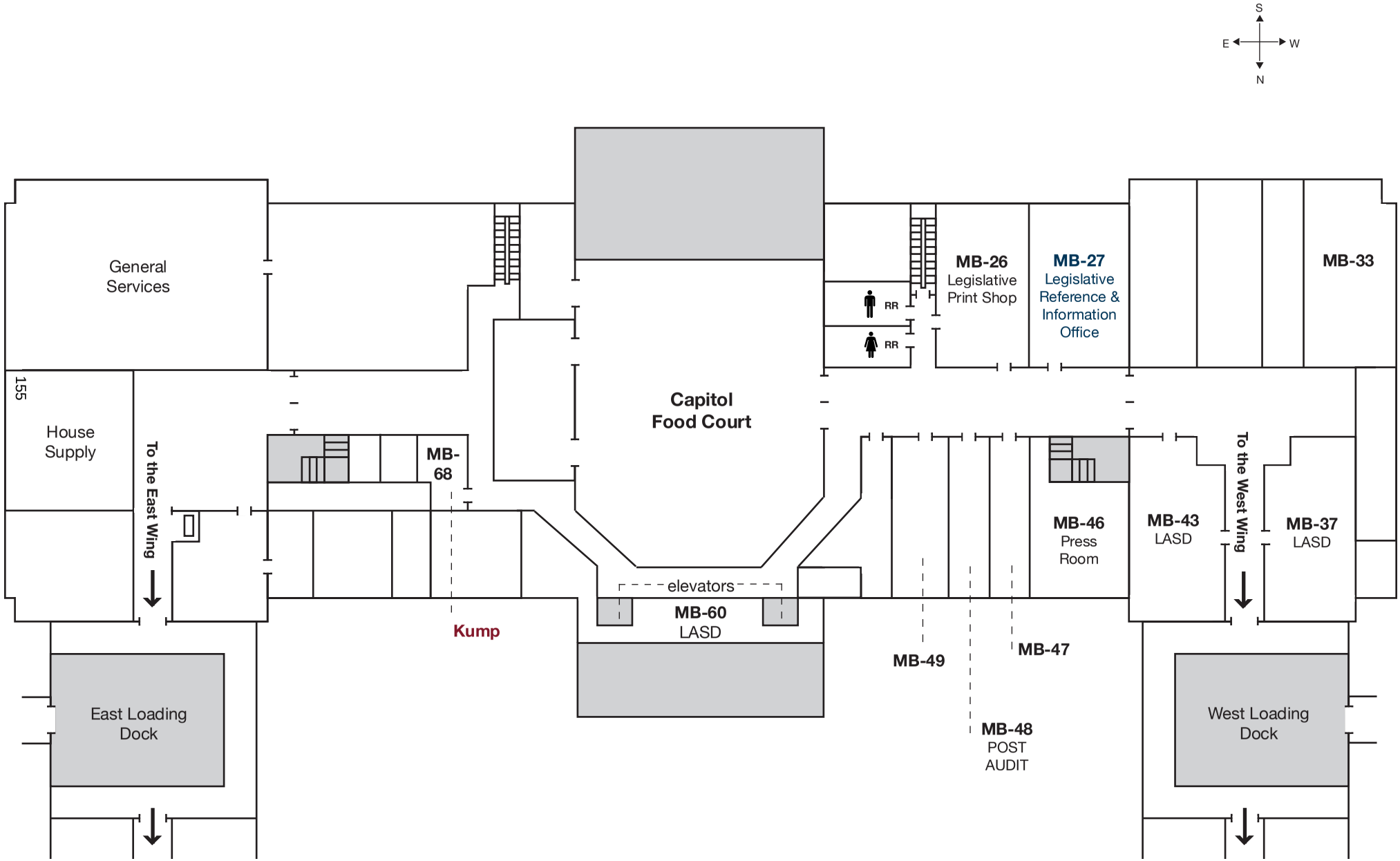
West Virginia State Capitol Maps

State Capitol Grounds



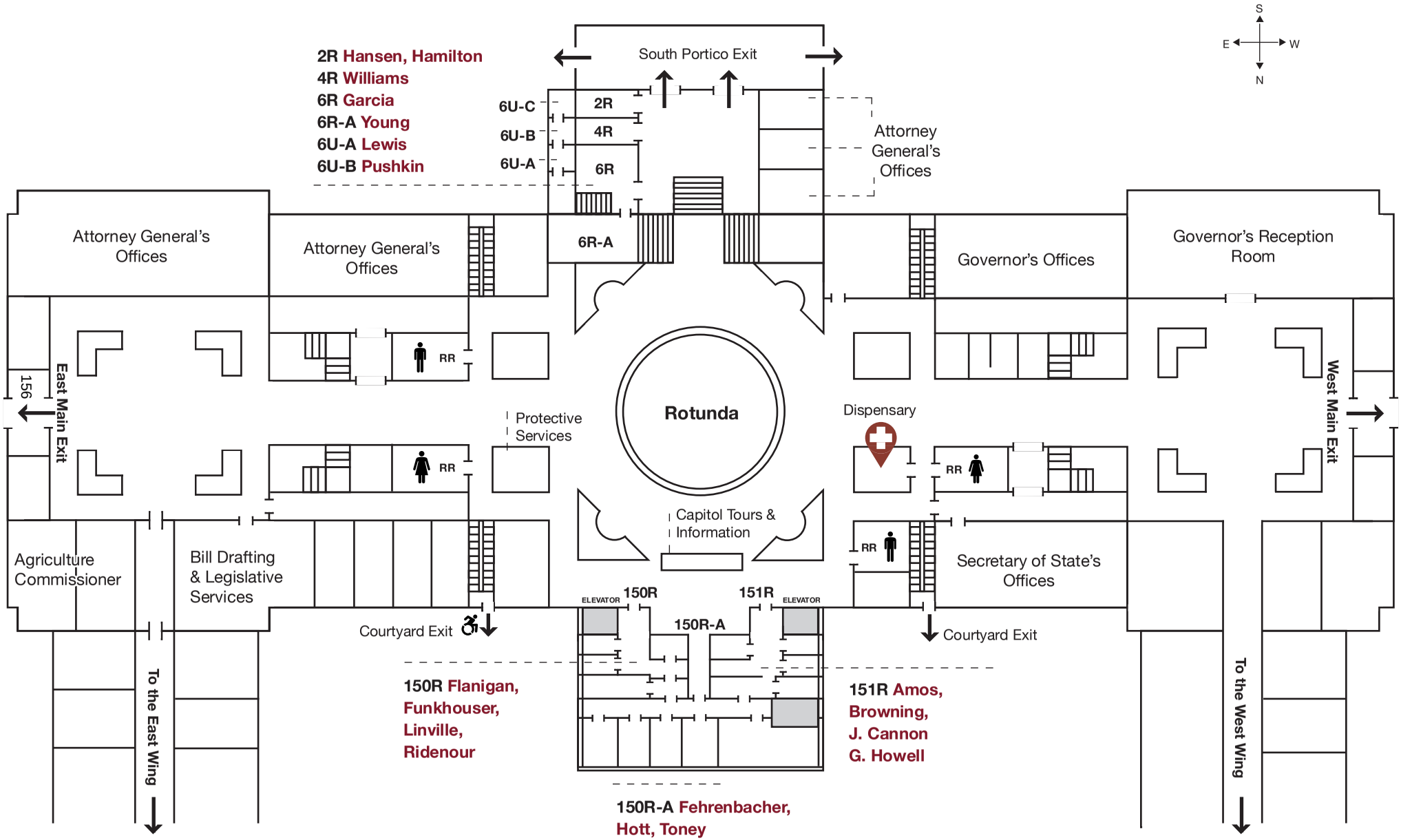
WEST VIRGINIA STATE CAPITOL MAPS

Main Building - Basement



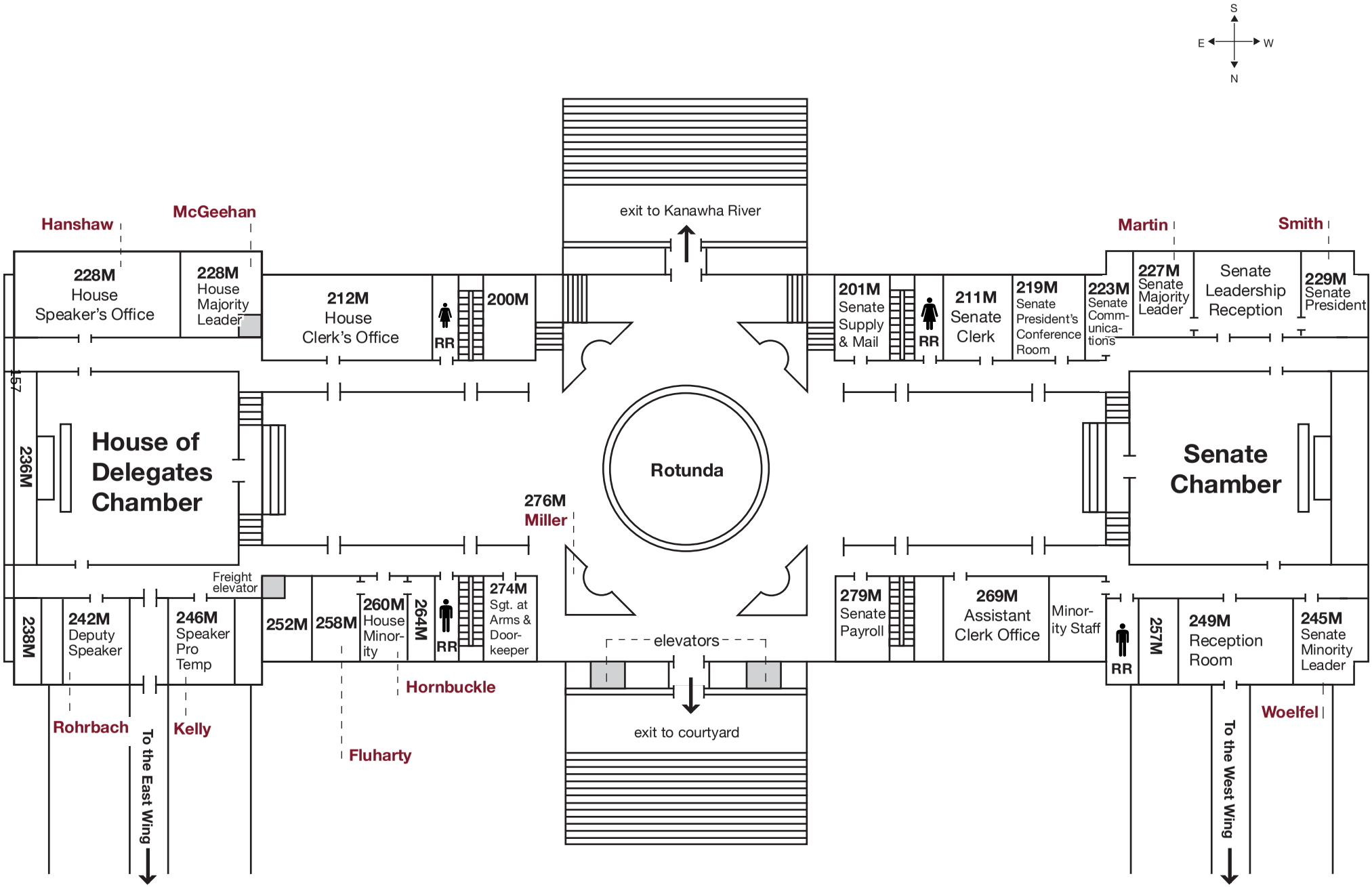
WEST VIRGINIA STATE CAPITOL MAPS

Main Building - Ground Floor



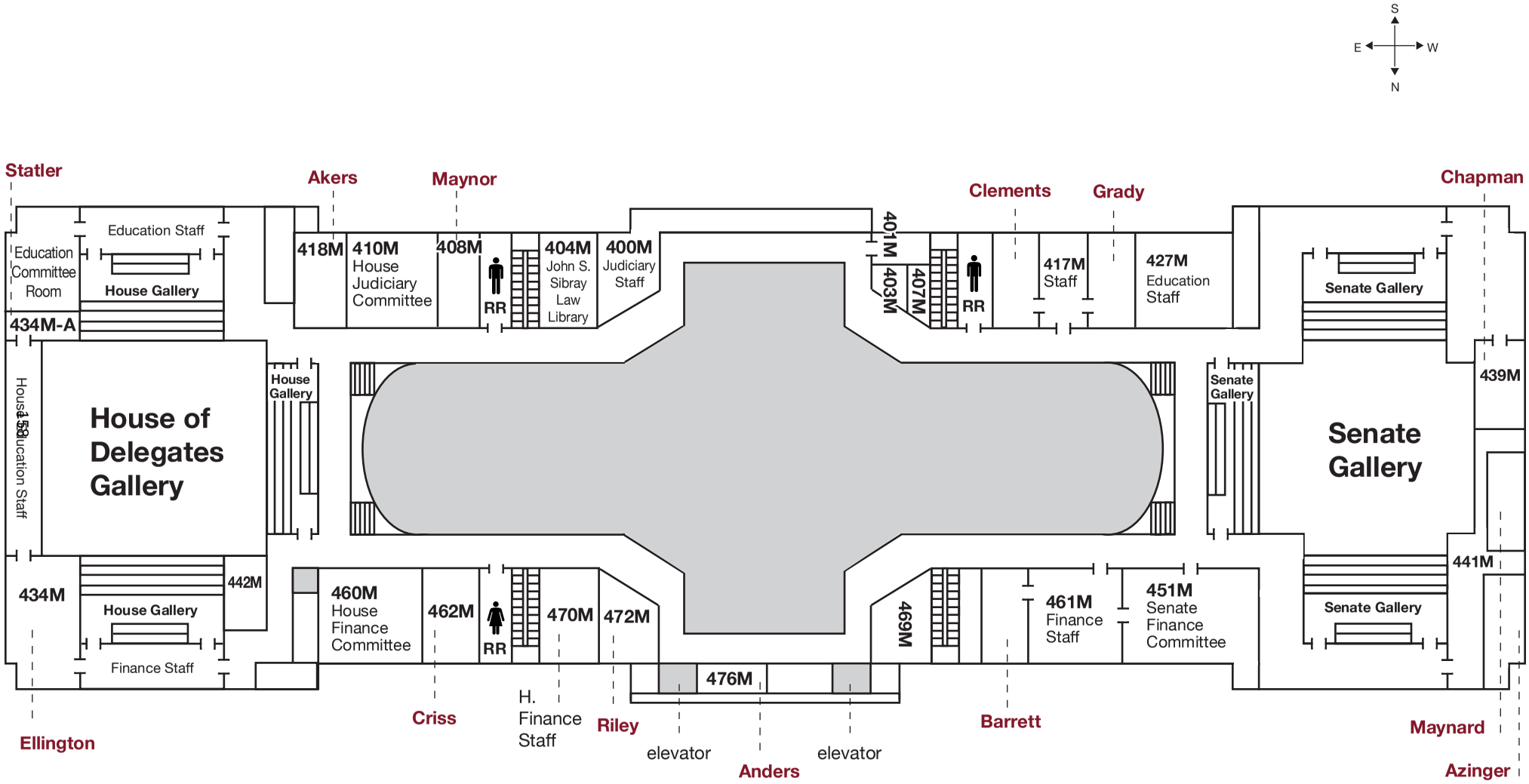
WEST VIRGINIA STATE CAPITOL MAPS

Main Building - Second Floor



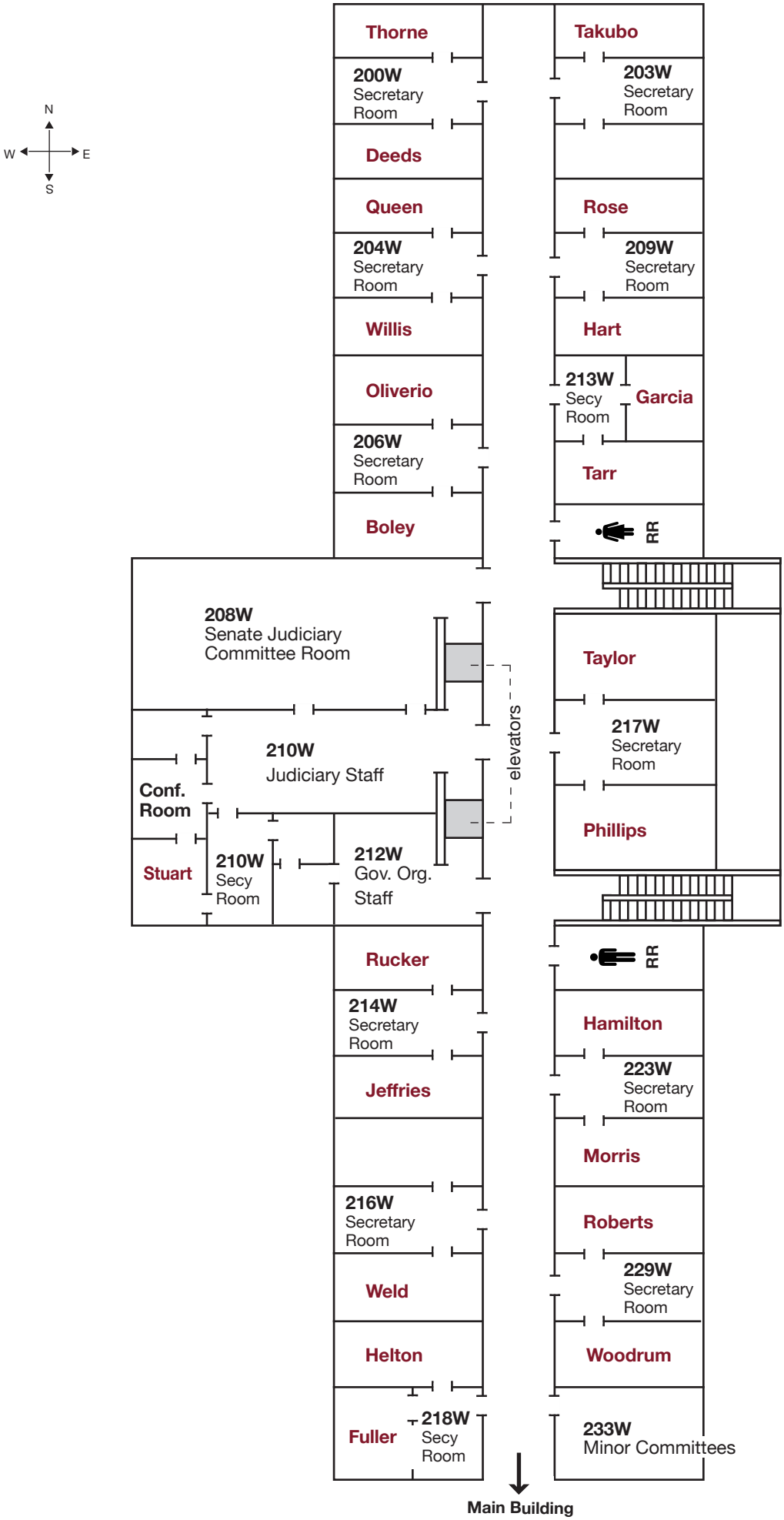
WEST VIRGINIA STATE CAPITOL MAPS

Main Building - Third Floor



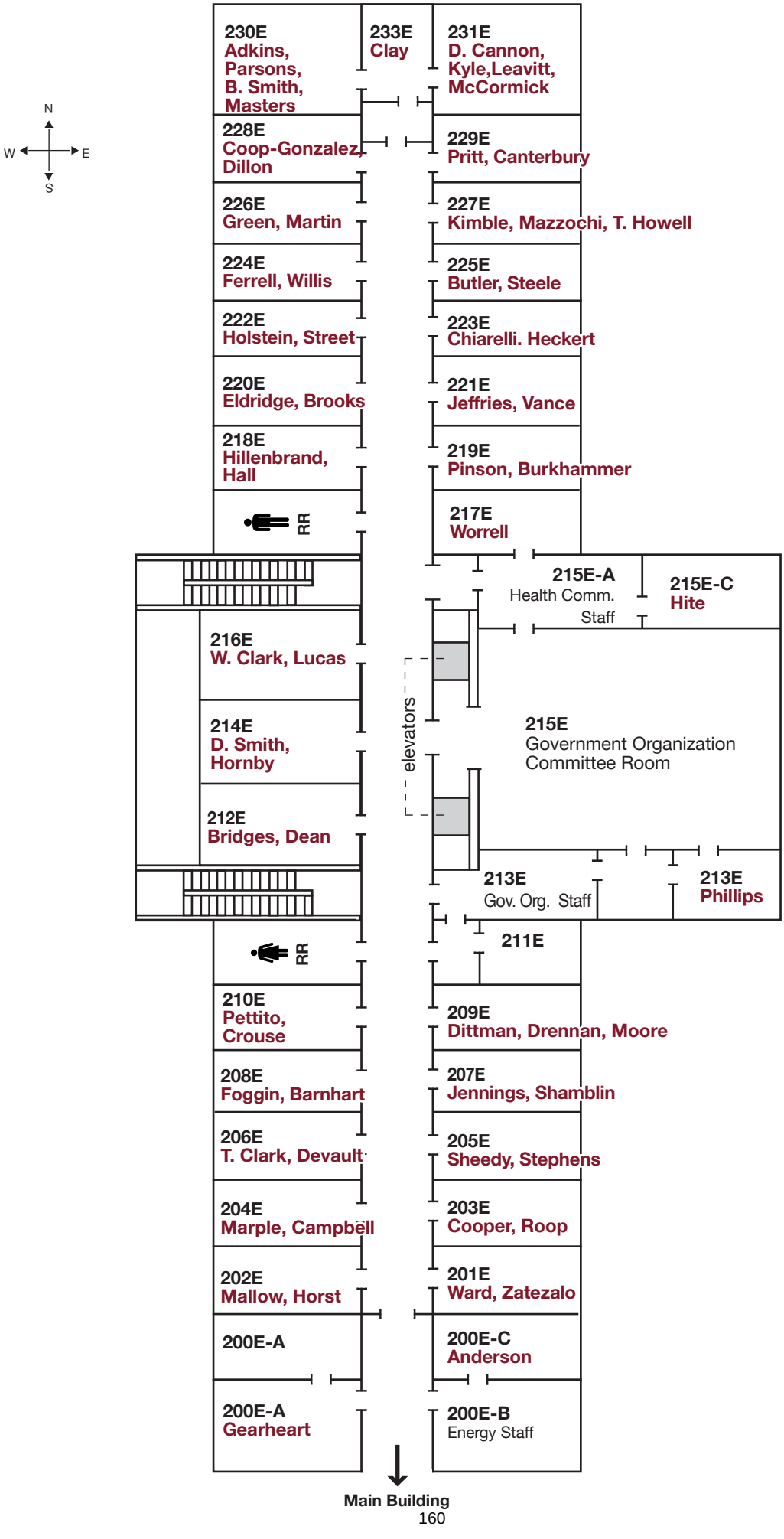
WEST VIRGINIA STATE CAPITOL MAPS

West Wing - Second Floor - Senate



WEST VIRGINIA STATE CAPITOL MAPS

East Wing - Second Floor - House of Delegates



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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.

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 4 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

2026

West Virginia Youth in Government

Officer Candidates

2026 Candidate for Youth Governor

Bryce Isner, Grafton YLA

1. Past Youth in Government Participation:
Attended 2024 Youth in Government as a Delegate and Vice Committee Chair of Education. Attending the 2025 Youth in Government I am serving as one (1) of the five (5) Associate Justices under Chief Justice Shelby Plants of the West Virginia Supreme Court of Appeals.

2. Qualifications for the office: I bring to this office extraordinarily strong Leadership Skills and unseen Passion to make our legislature greater. I have worn many caps over my YLA career such as: Associate Justice, Council President of Education at MUN, Vice Chair & Delegate (2024 YG), and President & Vice President of Grafton High School's Chapter of the Youth Leadership Association.

3. Style of Leadership and how it will help other delegates succeed: My style of leadership is unique. I take the time to hear the opinion of everyone and do my best to make decisions within the best interests of all. I do not let my personal beliefs be the determining factor in any decisions I make, to me what is more important is the voice of our people and the things that they want to see happen! Holding an office such as Governor is not for power or personal gain, but only to make sure that the people of our Great State are heard, felt, listened to, and represented in the truest way possible!

4. School Interests and Activities: I have many school interests but the one that strikes me most are History, and Business Classes offered through our school's Career Tech. Program. I am also actively enrolled as a student at West Virginia University where I am entering into a 3+3 year Juris Doctor Program with the hopes of one day becoming an Attorney!

5. Community Interests and Activities: I am also filled with many community interests like protecting public health and ensuring that everyone in our county is represented fairly and treated equally. These traits are what make me want to become an Attorney and Youth Justice for the State's Supreme Court!

6. An Especially Meaningful Service Experience: One of the most memorable service experiences for me is year after year partaking in Wreaths Across America, right in my home of Taylor County. Every year the Grafton YLA invites different delegations to join us at the Taylor County National Cemetery to help lay wreaths on the graves of those who have served our Great Nation. On this day, we also hear a ceremony honoring those who have given their lives for our freedoms. It is genially amazing to see the amount of support from our community every year at this event, and it is truly humbling to hear from the family members of those who have given their lives for us. I hope our delegation will continue this in the many years to come!

2026 Candidate for Youth Governor

Sarah McBee, John Marshall YLA

1. Past Youth in Government Participation (years and position)

My first introduction to YLA's Youth in Government program was during my 8th grade year when I attended Youth in Government Seminars (YGS). I was selected as one of four representatives from my school and one of twelve representatives from my county to attend YGS. This program sparked my curiosity in government and ignited my passion for civics. Excited, the following year I attended my first YG as a freshman in the Senate. That year, we did not have an elected Chaplain, so they asked for a fill-in. I was eager to volunteer. At the end of the conference, a Senate Chaplain for the following year needed to be elected. Already having the experience as Chaplain, I ran and won. During my sophomore year, I fulfilled my duties of Senate Chaplain and ran for a new position—President of the Senate—where you will see me this conference. In total, I have attended one year of YGS, two years of YG, and have held two positions.

2. Qualifications for the office—what do you bring to the office?

As stated by the Youth Leadership Association's website, the responsibilities of the Executive Branch during YG is to "oversee the weekend's activities and provide guidance on legislation to ultimately be signed by the Youth Governor." Essentially, the Youth Governor acts exactly as the real governor of West Virginia would; they sign legislation that aligns with their policy and veto legislation that fails to. Even further, the legislation signed by the Youth Governor is then introduced in the real West Virginia Legislative session. To reiterate: the bills signed by the Youth Governor move on to our actual state government and therefore have the potential to become legitimate law. With this great responsibility in mind, I will bring established policy and the promise of advocacy to the office of Youth Governor. If elected, the importance of tourism and the concern of brain drain will be reflected in the legislation I sign. Continually, public servitude is not a task I take lightly; as your Youth Governor, I would ensure the consideration of your aspirations for your home state as well. Although I believe my policy is firmly focused on promoting the interests and well-being of our state and its people, I am open to reworking my positions to better incorporate each of your valued perspectives. Together, we can pass legislation that reflects the growing mindset of our hidden jewel of a state and shift the narrative of West Virginia. Finally, my experience in overseeing this past year's Model United Nations has provided me with the organizational skills required to manage a large-scale event. I am capable of planning and executing tasks timely and ahead of schedule to ultimately be prepared and achieve success during the conference itself. As

your Youth Governor, I would welcome your ideas while standing true to my policy and would help plan YG to its fullest potential.

3. Style of Leadership and how it will help other delegates succeed

If asked to sum up my leadership style in one word, I'd say 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. Through my time with the Youth Leadership Association, I have consistently been surrounded by leaders of various kinds. In all fairness, what would the Youth Leader Association be without Youth Leaders? When this scenario arises, my flexible leadership style shifts to a buffer. In the event that a heated debate ensues between two of my strong-headed peers, I become the mediator. Through this versatile style, I can cater to the individual needs of my peers and grant them leeway to define leadership for themselves. By allowing those I lead to solidify their own personal leadership styles, success for all delegates is on the horizon.

4. School Interests and Activities

Around my school, I am involved in activities that boost John Marshall's morale and advocate for needed changes. I play tuba in marching and concert band, and I play viola (an instrument quite like the violin) in orchestra. Whether it's a football game, pep rally, video game themed concert, or our annual Christmas showcase known as Monarch Tidings, I enjoy performing for my fellow students and giving my school something to pride itself on. Moreover, I am Vice President of my YLA delegation. In this position, my responsibilities alternate between cooperating with our officer team and advisor, leading meetings alongside the President, getting to know our members, and managing community service events. Often, planning and presenting during meetings brings me the most joy out of any other school activity. My delegation is overflowing with brilliant ideas and passionate people; they are eager to contribute to community service events and often bring their ideas to me. We frequently brainstorm ways to better our school and community. I feel that, through various musical performances and holding a position in my YLA delegation, I have contributed to both school spirit and school improvement.

5. Community Interests and Activities

This past general election, I was presented with the opportunity to work the poll booths for my county. I had to be at my station for over twelve hours although I was only a trainee. Through this, I met many notable figures in my community and gained firsthand knowledge about the election process. It was an excellent way to familiarize myself with the intricacies of our county-specific election techniques in preparation for the future, for I will be old enough to become a poll clerk come next election. Similarly, throughout the winter season during the past two years, I have assisted at the wrestling and basketball game concession stands. The proceeds benefit both our YLA delegation and the John Marshall senior class. At the concession stand, I found myself preferring to spend my free time speaking to those supporting our home team and those who came to oppose us. While both parties were rooting for their respective teams, they shared a common interest in the sporting events themselves and hoped to be entertained via a fair high school game. My time spent working the polls and in the concession stand has introduced me to important people around the area and has further encouraged me to better our state and region.

6. An Especially Meaningful Service Experience

John Marshall YLA was requested by the Strand Theatre Preservation Society—a nonprofit funded by the State Historic Preservation Office and the National Trust for Historic Preservation—to assist in the cleanup of their annual yard sale. My delegation and I were entrusted with breaking down tables and sorting the unbought items/ donations-to-be. After cleaning, sorting, and donating for nearly three hours, our service experience was officially over. However, the most meaningful part of the experience happened about a week later. My advisor called me into his room during school and handed me an envelope. Enclosed was a handwritten thank-you letter from the Strand. While I do not feel that service needs to be rewarded, receiving this message of appreciation was indicative to me that our delegation was creating a real, lasting impact in our community. It was validating to hear pleasant feedback from those that needed our help, and however accomplished we felt after the event was immediately amplified upon receiving this letter. I immediately took this feeling of fulfillment and became addicted to serving others; I have since been striving to emulate this job well done.

2026 Candidate for Youth Chief Justice

Olivia Hanna

Point Pleasant YLA

Youth in Government Experience: Youth in Government has been an important factor in my life since I attended my eighth grade seminar in 2022. Immediately after my first impression, I was enamoured with the magic of this program, and knew it was something meant for me. Within that first seminar, I was privileged to be part of a mock trial as a witness for the defendant. The immersive experience is what led me to the realization that law and the courts are my passion, and the career path I aspire to pursue in the future. It is also what guided me in the direction of the judicial program when I entered high school. In the past I have spent two years in judicial, this year being my third. I have had experience of being on all three sides of a case. The appellant, appellee, and as well as adopting the roll of an associate justice for a few cases as a volunteer. I adore this program inside and out, I've made many lifelong friends and gained such unique leadership experience that I couldn't have obtained anywhere else. Law is my passion, and my love for the judicial program and the attendees reflects that.

Qualifications for Office: When I first joined the Youth Leadership Association I was nowhere near as confident in my leadership as this program has taught me to be. Roy Blunt, a veteran American politician, once said, “It takes leaders to grow leaders.” Over my time in the program I think this quote has been very fitting to the learning process within it. It is the other amazing youth leaders who have been involved in my YLA journey that have been the ones to truly teach me important lessons not just about leadership, but about who I am as a person. Recognizing this has blessed me with the ability to constantly learn from and adapt to my peers. In my heart, leadership is a two way street, one that involves listening, learning, and growing together. Early on in YLA, I wasn’t as comfortable speaking in front of groups, but through debate, discussions, and leadership opportunities with my peers, I’ve gained the confidence to articulate my thoughts clearly and persuasively. Just as leaders grow by learning from others, justices grow by understanding different perspectives. My time in YLA has allowed me to engage with a diverse group of peers, each with unique viewpoints, which has taught me to be impartial and thoughtful

and prepared me to lead discussions, explain rulings, and ensure that justice is both served and understood.

Leadership Style: One of the most powerful lessons I've learned is that leadership doesn't happen in isolation, it thrives in collaboration. The other students in YLA have challenged me to think critically, listen more carefully, and grow as both a leader and a person. I will bring this same open-minded approach to my leadership, ensuring that every person is considered with fairness and respect. Being a leader is not about having authority, it's about serving others. I have learned that the best leaders uplift those around them, ensuring that everyone has a voice. My goal as a leader is to have a personal relationship with every one of my peers, and make our environment a positive and encouraging space. My leadership style is not just leading a crowd, but to push and encourage those around me to be confident in themselves and their own abilities, for guidance of that nature is what made me grow into who I am today.

School Involvement: Within the 2024-25 school year I have served as my delegation's vice president, and previously our secretary. I am also a head start student at Marshall University and I plan to attend West Virginia Girls State this summer to represent my school in leadership and civic engagement. Volunteering within my high school is also important to me. During the beginning of the year I volunteer along with my delegation to help seniors paint their parking spots. Later on in the fall I also participate in the annual trunk or treat held in the parking lot.

Community Involvement: In regards to my community I help out whenever I can. In past summers I've spent my weekdays babysitting for a first responder and helped the children with sports and other activities they participated in. This past summer, in preparation for Mason County fair week, myself and two others from my delegation spent several hours helping set up animal pens for the animal showings. I have also participated in hosting egg hunts for the retirement community and organizing Adopt a Kid for Christmas within my delegation.

Meaningful Service Experience: My most meaningful service experience this far has to be my first time volunteering as a counselor at Youth Opportunity Camp this past summer. Going into it I was excited for the opportunity to impact the younger generation of campers the same way my counselors previously had for me. However, in the end I walked away having gained more from them than I anticipated. I was met with a great experience in general, but one memory sticks out

to me the most about my second week. On the last full day of camp there is what's called cabin day, where the counselors will pick a fun theme and plan the entire day based around it. I had the idea to create a scavenger hunt, and I stayed up for an extra hour that night planning it out and wrote hints in poems just to make it a little more special. The next afternoon when the girls participated in the scavenger hunt, I was surprised to have also been the one to gain a true special experience. Every girl was in the spirit of our theme and exhilarated to find the next hint. They had all worked so well together at that moment, and I was happy to see that the lessons of collaboration they had been learning throughout their week had really made a mark on them. At that moment a phrase I had heard many times popped into my head, “They may forget what you said, but they will never forget how you made them feel.” From this memory I have learned that the emotional impact you have when you lead has an effect on your message. You can preach a message as you please, but it is the emotion and connection that is everlasting.

2026 Candidate for Youth Chief Justice

Shelby Plants

Point Pleasant YLA

1. My past Youth in Government experience started when I attended YG Seminars back in 2022. In 2023 which was my freshman year, I decided to join the judicial branch. I was also in the judicial branch my sophomore year of high school where I decided to run for Chief Justice and was elected.

2. What qualifies me for office is my ability to connect with people. I have a natural talent when it comes to talking with anyone who comes my way. This ability helps me connect with people within the judicial program and other branches within YLA. My interpersonal skills help me understand different perspectives, which is good for leadership skills and within the courtroom to be non-biased. I am a problem solver who likes to approach every challenge with the mindset of finding a solution. I like to find ideas and strategies that help overcome issues and can solve the problem correctly. I also enjoy public speaking. With my public speaking skills, this allows me to clearly get my message out and communicate with the audience about what is going on in the courtroom or what the issue is.

3. My leadership style would be described as servant leadership because I have a passion for helping others succeed. I think that true leadership means putting others needs first. Which can create a place where everyone can thrive and be their best self. Whether I'm at school a YLA event, or even in the community, I am determined to be there for anyone who needs help. I'm always trying to offer guidance, whether it's during the process of working on cases or helping someone find their way to the courtroom during YG. I believe that my leadership style can help other delegates succeed by reducing the stress and anxiety that comes with the feeling of being confused or scared to ask for help. By creating an open environment within the courtroom, it can help people feel less nervous and ask for clarification when needed. I hope that my leadership skills will help inspire others to notice when someone needs help and to offer it.

4. My school interests include YLA, student council, and pep club. I have been in YLA the longest of all my clubs. I joined YLA in 2021, which was my 8th grade year. My first trip was Fall Con and I fell in love with the program and everything it stands for. My second club would student council which I joined in 2022, my freshman year of high

school. I love being able to speak about the problem within my school with my peers and with my principal. Together we decide on how we will address the problems that are brough up and how we plan to fix them. My other club is Pep Club which I decided to join this year. I decided to join because I love going out and supporting my school at sporting events, no matter what the outcome of the game is. By joining this club, I have met so many people within my school and have even build friendships. My activities include track. I have been a part of the track team since 2020, which was my 7th grade year. Track has taught me how to listen to a coach and be able to practice the information I have been taught for hours. Track also has taught me how to work with a team as well as meeting my individual goals.

5. My community interests include donating to our local animal shelter, picking up trash and helping low-income families. When I first adopted my cat Alfred from the animal shelter in October of 2024, I remember the owner telling me that they were low on supplies. Later that day I asked my mom if we could stop at Dollar General and get some things for the shelter. She agreed and we spent over $100 on supplies for those animals. Ever since then, I have tried to donate to the animal shelter when I get the chance. I care a lot about our environment, so anytime our town hosts local cleanup, or when other clubs are cleaning up our community I try to be there. It is so important to me that we keep our Earth healthy and or community clean. My last community interest is helping low-income families around Christmas time. For the past 5 years, my mom and I have taken names of kids whose parents can not afford gifts for their kids. We get the list from our church of the items the kids want for Christmas. We do this because we believe that every kid should have the joy of opening gifts on Christmas.

6. A meaningful service experience for me was when I collected non-perishable food for soldiers who were deployed overseas back in 2020. My dad is a soldier and back in 2020 some of his unit was deployed overseas. My dad had been deployed overseas before when I was little, and I remember him always asking my mom if she could ship him Little Debbie snacks and a can of peanuts. So, when I found out that some of Dad's unit was deployed, I asked my mom if we could post on Facebook asking people to donate non-perishable food for the soldiers. I was able to receive 80 pounds of food for the soldiers overseas. This all happened during the holidays, and the package of food arrived to the soldiers on Christmas Eve. They sent a picture to my dad of them with the packages and their smiles were so big. I was so happy to see that I could bring joy during the holiday season and their deployment.

2026 Candidate for Youth Chief Justice

Carol Russell

Wirt County YLA

1. **Past Youth in Government participation (years and position);**

   I have participated in YG as an attorney, a bailiff, a clerk, and have sat in on a case as an associate justice.

2. **Qualifications for the office – What do you bring to the office?**

   I have been part of the judicial program for three years now and am familiar with how it works. I have a lot of experience so I feel I can take the part. I have been an appellant once and an appellee twice. I have been a bailiff and a clerk many times as well.

3. **Style of Leadership and how it will help other delegates succeed;**

   I'd like to work with the associate justices and let them be a big part of whatever is to happen. I want them to feel in power as well, rather than me making all of the decisions.

4. **School interests and activities;**

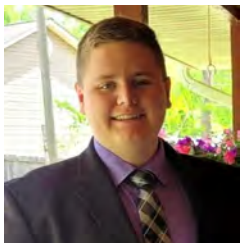
   I do YLA and Marching Band. I like history, choir, and band.

5. **Community interests and activities**

   I help out with a lot of concessions for band and YLA to raise as much money as possible. I do many fundraisers for YLA. One time during concessions, a bowl of nachos fell all over me because I stood up at the wrong time. I went to the bathroom to change and a lady I didn't know went and got me her gym shirt out of the back of her car.

6. **An especially meaningful service experience.**

   One of my favorite service activities was the reading project. After school we would stay at the school and get with a partner or two and start recording ourselves reading books for the primary center to listen to them and have something to do.



2026 Candidate
President of the Senate

Cole Fogus

James Monroe YLA

1. I have been in YG since my freshman year, making this my third year. I was a senator my freshman year, and delegate and Senate Clerk Candidate my sophomore year, and am now the Senate Clerk and a President of the Senate Candidate in my junior year.

2. My qualifications for office include strong leadership skills, a willingness to work with others, teamwork skills, a both outgoing and reserved personality, kindness and thoughtfulness, and the fact that I am well liked by my peers and teachers. I also have great leadership experience in YLA (senate clerk and chapter VP), Educators Rising (chapter secretary), Student Government (freshman class president), and Marching and Concert Band (first chair trombone).

3. My style of leadership is being both assertive when need be and allowing others to take charge when necessary. I will take charge when I can and when it's necessary, but let others have their time as well. I am very easy to work with and will always respond to questions.

4. My school interests include Educators Rising, YLA, and Marching/Concert Band. I am also on the Prom Planning Committee and am in the National Technical Honor Society for my school.

5. My community interests include being active in a church youth group and working for a small business catering company.

6. An especially meaningful service experience that I have participated in is writing christmas cards to the people in our local nursing homes and performing for the nursing homes during the holidays with my school's marching band. We started a few years ago and it has become a tradition.

2026 Candidate
President of the Senate

Holly Lewis
Buckhannon Upshur

- **Past Youth in Government participation**
  I am in my second year as a member of the Young Leaders Association (YLA), and the Youth in Government program. This year, I hold the position of Chair for the House of Delegates committee. I have been participating in the Youth in Government program since 9th grade.

- **Qualifications for office**
  My qualifications for the position of President of the Senate are rooted in my extensive experience with the organization and my deep commitment to its mission. I have had the opportunity to serve on both committees, participate in floor discussions, and successfully override a veto related to my bill, all of which have greatly enhanced my experience. Additionally, as the Vice President of my delegation, I have gained valuable insights into effective governance and operational procedures.

- **Leadership Style**
  My leadership style can be characterized as democratic, as I believe it is important for everyone to have a voice in decision-making. While encouraging input from all team members regarding their needs and preferences, I also recognize the necessity of strong oversight to ensure that these perspectives are integrated effectively and to maintain a sense of order. It is essential to balance the contributions of all individuals with the guidance of leadership.

- **School Involvement**
  I am currently a sophomore at Buckhannon-Upshur High School. I am actively involved in the Youth Leadership Association (YLA) club, the tennis team, and I serve as a majorette in the school band.

- **Community Involvement**
  In addition to my academic commitments, I actively participate in coaching a baton group and engage in community clean-up initiatives. I have a strong passion for assisting the elderly and strive to provide support to anyone in need.

- **Meaningful Service Experience**
  One of the most significant service experiences I have had the privilege of participating in was placing wreaths on veterans' graves for Wreaths Across America. This experience holds meaning for me as many of my grandparents were veterans. It allowed me to honor their contributions and express my appreciation for the sacrifices made by those who dedicated their lives to our country and the preservation of our freedoms.

2026 Candidate
President of the Senate

CJ Tucker
East Fairmont

1. I have zero past experience at YG but I am still confident in my knowledge/ability in the legislature.

2. I believe that I will bring a strong new voice to the YLA community and believe that I am able to lift up others around me.

3. I think that I have multiple styles of leadership, and it depends on the situation, sometimes you have to put yourself in another person's shoes and ask yourself what type of leader THEY need.

4. I participate in my school's student council where I am the communications officer for the freshman class, I started up a YLA delegation for Marion County and we later got split up into three delegations which led to me starting East Fairmont YLA.

5. Disability is my main focus. My good friend Julie Sole runs the disability action center and my little brother Parker has a disability. I believe that helping those with disabilities is very important what has happened with my little brother over the past 10 years is indescribable. It has been such a long journey for him and my family. I am proud to help him and the other young people like my little brother by advocating for those with disabilities. From a young age I've always been called to public service even as a young kid, from wanting to feed the homeless and giving back to the less fortunate.

6. Every year in student council we do an angel tree around Christmas. We raise money throughout our school and then go and shop for our less fortunate peers in our school. I got to participate in that this year and I had a really good experience I fundraised, I shopped, and I wrapped the presents for two of my fellow students and believe that with a little effort in helping others you can make a great impact on someone's life.

Candidate
2026 Senate Clerk

Johnny Chen
Buckhannon Upshur

- **Past Youth in Government Position:**

  During my 9th grade year, I had the honor of serving as a senator in my first year of participation in Youth in Government.

- **Qualifications for the Office:**

  My qualifications for the office of Senate Clerk comes from my years of experiences in variations in roles of leadership in the form of secretary for student council and this year being the treasurer of my delegation. Additionally, logistical capabilities and time management are some of my key strengths, as I have been able to effectively manage my work and balance my time. However, I believe my most important qualities are reliability, integrity, and open-mindedness. On top of this, the previous years' experience has provided me with crucial knowledge on the basis of YG.

- **Style of Leadership:**

  My leadership style focuses on creating a collaborative environment where everyone has their own voices and is encouraged to actively express their perspective to the team. I strive to understand and support my teammates to the best of my abilities, ensuring that everyone can do their best and foster a sense of ownership within the group. My leadership style will help other delegates succeed by creating a productive and inclusive atmosphere where everyone gets a fair share of the opportunities.

- **School Interests and Activities:**

  My school interests include social studies and various sectors of science, including physics and chemistry. On top of being an active member of YLA, I'm serving as the secretary for our school's student council, a member of the school's Leo Club, manager

for the B-U football team, and a swimmer on the B-U swim team. Moreover, I strive for competition and actively participate in the Social Studies Fair.

- **Community Interests and Activities:**

  Outside of school, I participate in the Strawberry Festival Board as a junior associate and occasionally assist with holiday food drives at the Parish House passing out supplies to the local community. Although the list is small, I will do my best to help whenever.

- **Meaningful Service Experience:**

  The most memorable and meaningful service project I've had has to be working with the Tennerton Lions Club to walk and hand out books in the Strawberry Festival Parade. I have a strong passion for reading and absorbing any kind of information. I firmly believe that every child should have the opportunity to access and enjoy the world of literature. So, when I was able to participate in a parade, get involved with the community, and handout books. It was a once in a lifetime occasion that I couldn't pass over and it still resonates with me to this day.

Candidate
2026 Speaker of the House

Zoe Zervos
John Marshall

1. My first YLA experience was in the summer of my 8th grade when I attended camp Horseshoe. My sister had been involved in YLA previously, and I had been following in her footsteps, not really ever expecting to be involved in it the way I am now. At camp, I took part in many different activities, such as the mock Model UN session and the Judicial branch during the mock YG session. I had the most amazing time, and had never had a better time. From here on my love for the Youth Leadership Association grew, and I have taken part in everything I can. My first year participating in Youth and Government, I had been in the judicial circuit, presenting and winning my case. I ran for house clerk, and ended up claiming the position at the end of the session. I was honored to have received the position.

2. Some of the qualifications I feel I would bring to office that are crucial to the position include good public speaking, being open-minded, and accountability. Public speaking and communication skills are extremely important for any position or for life in general. Proper communication techniques can help to lead to more efficient meetings and makes it much easier to convey ideas. By being open-minded, a broader horizon of possibilities becomes available that can be taken advantage of by yourself and others. Finally, accountability is necessary to complete tasks, and being trusted to complete them, not only on time, but done well. I feel as though I am able to bring all of these things to the table, as well as others.

3. Leadership is an extremely important trait to have, not just for YLA but everyday. I would describe my leadership style as inclusive. Whenever stepping up to take on a leadership role, I always ensure that everyone is included, and everyone gets to chance to share ideas, thoughts, and opinions. I feel that being a leader means, not only taking the initiative to make things happen, but to make sure everyone

has the opportunity to use their voice and speak up for themselves. I also feel that listening is a big part of being a leader. While many may think leadership is taking charge and being in control, its more of setting an example and making others feel like they can be part of a change, and they can all make a change in the world.

4. In school, I participate in various sports teams including track and field, cross country, soccer, and swim. I also take part in multiple clubs, such as playing violin in our schools chamber group, being part of student council, drug free club, game changers, and orchestra. Getting to take part in so many extracurriculars is really a blessing, and I have learned so much through all of them. Sport have taught me teamwork, communication, and how to push yourself even beyond your limits. Especially, though, it has taught me to always be positive, and to help bring others up when things get hard. My various clubs have also really inspired me. Being a part of student council really helped me to become more involved in how I can help others, and how I can use my abilities for the good of others.

5. Within my community, I participate in the wheeling symphony group, volunteering at various events throughout the year such as “farm to fork”, “symphony on ice”, cotillion, and others. I also play the violin as part of the youth symphony orchestra, and have for the past 4 years. By being given these opportunities to take initiative and put myself out there, it has really helped me in learning the important of giving back to the community.

6. An especially meaningful service experience I took part in was “paws for a cause” in our school. During the holiday season, student volunteers are given information about an anonymous student at school who is less fortunate. Some of the things included on the form include clothing sizes, favorite items and snacks, and others. We are given $100, and then go shopping to purchase items for the students. It’s always a great feeling to know that I’m helping out someone that may not have the same advantages that others do, and to be able to give them excitement for the holiday season that they may not get otherwise.

YOUTH LEADERSHIP ASSOCIATION

2026 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)	**Senate -**Nominations Closed
Chaplain (Specify House or Senate)	
Governor	Nominations Closed
Chief Justice	Nominations Closed

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.

2026 Officer Nomination Form - WV Youth in Government
Each Nominee Completes and Submits this form by 6:00 pm on Thurs. April 24, 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 15 - 21, 2025 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 2026 WV YLA Youth in Government
Governor's Cabinet
Submit no later than May 12, 2025

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 2026 WV YLA Youth in Government Associate Justice

Submit no later than May 12, 2025

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

2026 WV YLA Youth in Government
Committee Chair or Vice Chair Application
Submit no later than May 12, 2025

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

2026 WV YLA Youth in Government
Application for Press Editor Submit
no later than May 12, 2025

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

LEADERSHIP SUMMIT

at CAMP HORSESHOE

June 15—21, 2025

YLA® YOUTH LEADERSHIP ASSOCIATION

Character · Leadership · Service · Entrepreneurship · Philanthropy

- ***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***

JOIN US THIS SUMMER AT CAMP HORSESHOE FOR AN UNFORGETTABLE WEEK!

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.

Sponsorships

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 "Its time to get to Horseshoe!"

This camp and this program has changed my life for the better. I found a place where I could find my true self. I have the skills to speak out for what I believe in, engage in fun songs, and lead in groups. I have found that my future is limitless and I can do anything I set my mind to."

"I've learned so much about trust, teamwork, and leadership in the past few days and have made lifelong friends."

"I am so thankful for what I experienced here, my life really has changed after attending this camp. I learned, with the help of many others, that I can be whatever I want to be."

"This place has done more for me than probably anything else, it truly is a home away from home and I'm so thankful I have the privilege to come here every year."

HIGHLIGHTS:

Youth Officer planning sessions

Keynote speakers

Variety Show

Campfires

Home-cooked meals

Cabin living

Creek exploring

Hikes

Hands-on workshops

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!

American Camp Association ACCREDITED

Forest Service US Department of Agriculture

Dominion Energy®

YLA® YOUTH LEADERSHIP ASSOCIATION

West Virginia Department of Education

Teen Leadership Summit
Horseshoe Leadership Center
June 15 – 21, 2025

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)

_____

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 (60) male and eighty (60) 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.

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*

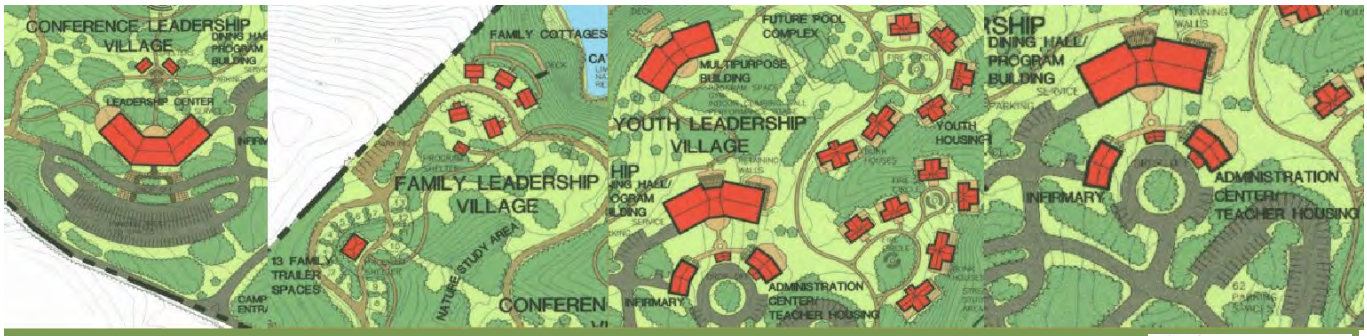
Parent/Guardian Signature _____ Date _____

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.

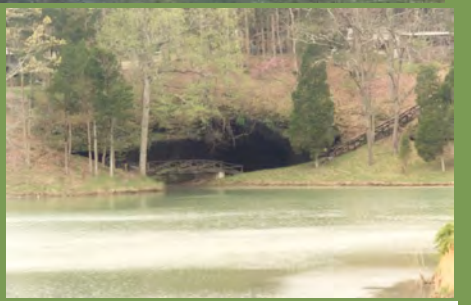


YLA OHIO CAVE LAKE CENTER FOR COMMUNITY LEADERSHIP

1132 Bell Hollow Road, Latham, Ohio

Nature's Classroom

730 plus acres ~ 42-acre lake ~ Frost Cave ~ 150 species of birds ~ 160 species of trees and shrubs ~ 360 species of blooming plants ~ rare plants including *Sullivantia Sullivantii*



New YLA merchandise is now available!

YLA Silicone Bracelets $1.00

Red & Black	Blue & Black
Blue & Yellow	Blue & Red
Red	Hot Pink
Rainbow	Black
Green	Purple

Listing all your favorite YLA Programs – YLA, YGS, YG, MUN, Camp Horseshoe, Cave Lake

Camp available in:
Red, Green, Black
Purple, Maroon, Royal Blue

$5.00

CAMP HORSESHOE or YLA LEADERSHIP LANYARDS

Youth Leadership available in:
Purple, Royal Blue, Black, Green, Red

Lapel Pin $5.00

Blue & Red Graduation Cord

$15.00

YLA Patch $5.00

Additional charge if items shipped.