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NO. 31564

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IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

**GREENBRIER COUNTY COALITION
AGAINST GAMBLING EXPANSION;
and CABELL COUNTY COALITION
AGAINST GAMBLING EXPANSION,
unincorporated associations,**

PETITIONERS,

vs.

**WEST VIRGINIA LOTTERY COMMISSION;
and ITS DIRECTOR, JOHN MUSGRAVE,**

RESPONDENTS.

AFFIDAVIT OF FRANKLIN D. "FRANK" YOUNG

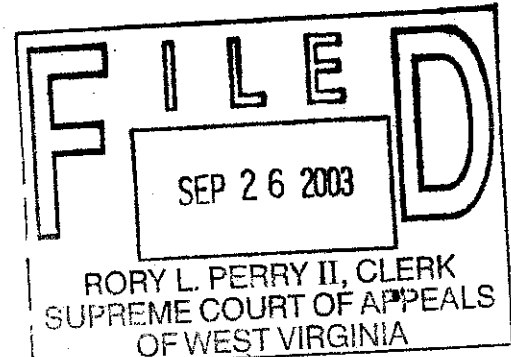
1- My name is Franklin D. Young; I am usually known as Frank Young. My residence is at: Rt. 1, Box 108 Ripley WV 25271.

2- In recent weeks and months I have visited the following commercial business establishments in Jackson and Kanawha counties, in the state of West Virginia:

Gabby's Bar and Grill in Ripley, West Virginia
Bee-Boopin' 50s restaurant and club at Fairplain, West Virginia
Romeo's club at Ravenswood, West Virginia
Mulberry's bar in Ravenswood, West Virginia
Tri-State Greyhound Park at Crosslanes, West Virginia

3- In looking at various video gambling devices at these business establishments, all of which had one or more such devices, I observed the following:

A- The "odds and probabilities" of winning or loosing any of these video games was not posted on any of these video gambling devices, nor did I see any such related postings anywhere on the premises containing these video gambling devices.



ORIGINAL JURISDICTION

B- No notice of "House Percentage" of monies deposited into these video gambling devices was noticeable on the devices, nor on the premises containing these devices.

C- The "Rules of Play" of these video devices was evident on some video game devices without an observer having to do anything other than look at a video screen. On some other video devices the "rules" of play was evident only after I would push some of the machine's buttons, and on other video devices the rules of play were evident only after I would deposit money into the machine. On most of the devices, the "rules of play" were worded such that I could not understand their meanings without first actually paying for and playing the games any number of times.

D- I did not observe, on or near any of these video devices, any notice that indicated that a player's skill or knowledge of probabilities could not benefit the player in playing the machine.

E- There was no posting of the name nor location of sources of help for persons needing assistance or treatment for gambling addiction, other than, at some businesses visited, but not at others, a small sign posted on a wall that said "Gambling Problem? 1-800-GAMBLER".

F- At two of the businesses visited there was no separate, enclosed area whatsoever surrounding or separating the video gambling devices from the larger room housing various other activities of the business. At one business there was a wooden fence approximately three (3) feet high surrounding and separating these video gambling devices, at another was a wooden fence approximately six (6) feet high surrounding and separating these video gambling devices, but neither of these wooden fenced areas had a roof or ceiling separate from the larger room in which they were located.

G- All locations visited had a sign at the entrance door advising that only persons age 18 and over were to enter the premises.

H- A sign advising caution because gambling could be hazardous to one's health, finances and future was in evidence at each location visited. But such signs were usually fastened to a wall with a single thumb tack, were curled at their corners and were difficult to read, and, with the exception of at the Tri-State Greyhound Park, said signs were difficult to locate, in a dark space between machines or in dark corners, and were not readily noticeable.

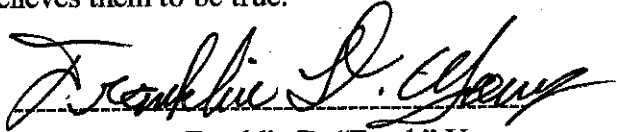
Further this affiant sayeth not.



Franklin D. "Frank" Young

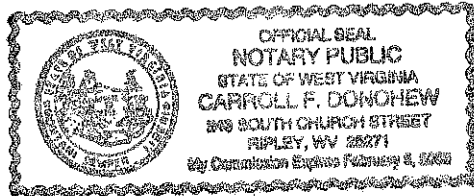
STATE OF WEST VIRGINIA
COUNTY OF JACKSON, TO WIT:

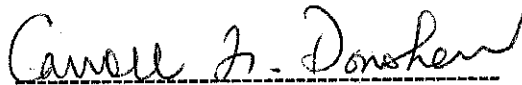
Franklin D. "Frank" Young, being first duly sworn, hereby says that the facts contained in the foregoing affidavit are true to the extent of his personal knowledge and, so far as they may be based on information, he believes them to be true.


Franklin D. "Frank" Young

Taken, subscribed and sworn to before me this 26 day of September, 2003

My commission expires 2-5-2005.




Notary Public