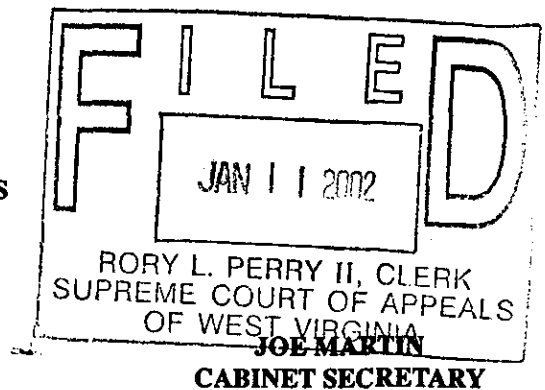


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State of West Virginia
**OFFICE OF THE SECRETARY
DEPARTMENT OF MILITARY AFFAIRS
AND PUBLIC SAFETY**
State Capitol Complex
Building 6, Room B-122
Charleston, West Virginia 25305-0120
Telephone: (304) 558-2930
Fax: (304) 558-6221



**BOB WISE
GOVERNOR**

11 January 2002

By Hand

Mr. Rory Perry, Clerk
West Virginia Supreme Court of Appeals
Room E-315, State Capitol
Charleston, West Virginia 25305

Re: State ex rel. McGraw v. Burton
West Virginia Supreme Court of Appeals
Docket No. 30094

Dear Mr. Perry:

I write in my capacity as Cabinet Secretary of the Department of Military Affairs and Public Safety, having been named by the Court as a respondent in the above-referenced matter.

I would have liked to have participated actively, by counsel, in this matter, but found myself in a quandary as to whether I have authority to engage counsel of my choice to do so. Unable to reach a confident conclusion on this matter, I have decided, out of caution, to notify the Court directly that I support and endorse, in my official capacity, and as a respondent in the above-captioned matter, the contents of the Brief filed by Mike Callaghan, Cabinet Secretary of the Department of Environmental Protection, and Brian Kastick, Cabinet Secretary of the Department of Tax and Revenue.

Very truly yours,

A handwritten signature in cursive script that reads "Joe Martin".

Joe Martin

JM/ba

cc: Deborah L. McHenry, Esq.
Special Assistant Attorney General
810 Kanawha Boulevard East
Charleston, WV 25301