

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 29th day of March 2006, the following order was made and entered:

RE: PROPOSED ADDITION TO WEST VIRGINIA TRIAL COURT RULES

On a former day to wit November 23, 2005 the Court considered an Administrative Order received from the Honorable Thomas C. Evans, Judge of the Circuit Court of Jackson County, relating to submission of orders by the Office of the Prosecuting Attorney and upon consideration thereof, the Court published for comment the proposed addition to the West Virginia Trial Court Rules.

On this day came the Court on its own motion and proceeded to consider the Administrative Order from the Honorable Thomas C. Evans, Judge of the Circuit Court of Jackson County, the proposed amendment to West Virginia Trial Court Rules and the comments received. Upon consideration whereof the Court is of the opinion to and doth hereby **disapprove** of the following rule, as well as the Administrative Order relating thereto:

"West Virginia Trial Court Rules

Rule 45. Preparation and Submission of Orders.

Rule 45.01. Generally

(a) Unless otherwise directed by the presiding judicial officer, proposed orders in all criminal, juvenile delinquency, forfeiture, child abuse and neglect and other cases wherein the Prosecuting Attorney appears, except for the instances enumerated in Rule 45.01(b), shall be delivered to the court by the Office of Prosecuting Attorney within seventy-two hours of any hearing in any such case.

(b) Unless otherwise directed by the presiding judicial officer, proposed orders in the following instances shall be delivered to the court by the Office of the Prosecuting Attorney before the close of business on the day of the hearing: (1) an order transferring custody of an inmate of any regional jail to custody of the West Virginia Division of Corrections; (2)

an order releasing an inmate of any regional jail; and (3) an order that modifies the conditions of pre-trial release for any inmate held pre-trial in any regional jail.

(c) All proposed orders prepared by the Office of Prosecuting Attorney shall be delivered to opposing counsel in an expeditious manner, such as facsimile transmission or electronic mail, if available.

(d) All orders entered pursuant to the rule are subject to amendment upon written objection of counsel for good cause shown."

A True Copy

Attest: _____
Clerk, Supreme Court of Appeals