



West Virginia E-Filing Notice

CC-06-2025-M-30

Judge: James Young

To: Tyler Christian Haslam
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NOTICE OF FILING

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

State of West Virginia v. Jan Hite King

CC-06-2025-M-30

The following order - case - final was FILED on 5/1/2025 11:24:24 AM

Notice Date: 5/1/2025 11:24:24 AM

Michael J. Woelfel
CLERK OF THE CIRCUIT COURT
Cabell County
750 5th Avenue, Suite 114
HUNTINGTON, WV 25701

(304) 526-8622

In the Circuit Court of Cabell County, West Virginia

State of West Virginia,
Plaintiff,

v.

Case No. CC-06-2025-M-30
Judge James Young

Jan Hite King,
Defendant

Order of Dismissal with Prejudice

These actions were consolidated for purposes of the hearing on the motions of defendants to dismiss the indictment pursuant to Rule 12(b)(1) and Rule 12(b)(2) of the West Virginia Rules of Criminal Procedure.

The State of West Virginia was represented in person by Seth S. Gaskins. Jan Hite King appeared in person and by counsel Tyler C. Haslam and Haslam Law Firm LLC. Kimberly Maynard appeared in person and by counsel Jonathan C. Sweeney.

The Court heard the arguments of counsel. As it relates to Count Five (W. Va. Code § 61-10-31: Conspiracy) of the joint indictment, the State of West Virginia conceded that said charge would clearly be governed by the statute of limitation set forth in W. Va. Code § 61-11-9. As such, Count Five was dismissed by agreement of the State as untimely.

With respect to Count One (W. Va. Code § 3-9-3(b): False Swearing - Mrs. King), Count Two (W. Va. Code § 3-9-3(b): False Swearing - Mrs. Maynard), Count Three (W. Va. Code § 3-9-3(b): False Swearing - Mrs. King), and Count Four (W. Va. Code § 3-9-3(b): False Swearing - Mrs. Maynard) of the joint indictment, Defendants argued that W. Va Code § 61-11-9 is clear and unambiguous, and therefore it must control in this action. The State of West Virginia, upon questioning by the Court, conceded that W. Va. Code § 3-9-24 is written in the negative and is vague.

The Court finds that W. Va. Code § 3-9-24 is vague with respect to its application

in misdemeanor cases and therefore it must be read in conjunction with W. Va. Code § 61-11-9. The Court is therefore required to turn to the rules of statutory construction as set forth in Syl. Pt. 2, *Stamper by Stamper v. Kanawha Cty. Bd. of Educ.*, 191 W. Va. 297, 298, 445 S.E.2d 238, 239 (1994) (citation omitted). “When faced with two conflicting enactments, this Court and courts generally follow the black-letter principle that ‘effect should always be given to the latest . . . expression of the legislative will’” *Wiley v. Toppings*, 210 W. Va. 173, 175, 556 S.E.2d 818, 820 (2001) (citing and quoting *Joseph Speidel Grocery Co. v. Warder*, 56 W.Va. 602, 608, 49 S.E. 534, 536 (1904)).

Because W. Va. Code § 61-11-9 is the latest reflection of legislative will with respect to statutes of limitation in misdemeanor cases, it must control here.

Accordingly, because W. Va. Code § 61-11-9 controls and because the indictment alleges that the offenses under Chapter 3 occurred more than one year prior to the presentation to a grand jury, this matter must be dismissed as being beyond the applicable statute of limitation.

The Court hereby GRANTS Defendants’ motions to dismiss and ORDERS, ADJUDGES, and DECREES that Case No. 25-M-30 and Case No. 25-M-31 be dismissed with prejudice.

/s/ James H Young Jr.
Circuit Court Judge
6th Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtswv.gov/e-file/ for more details.