

(2) NATURE OF CASE, RELIEF SOUGHT, AND OUTCOME – Section 16

STAINFIELD (defendant) a candidate for United States Senate for West Virginia seeks expedited relief of the Final Order 14-PCR-157 and 14-M-AP-5 denying the defendant her right to an immediate appeal of the Magistrate Jury Trial 13M-3079 Obstructing an Officer 61-5-7 (a); 13M-3080 Battery 61-2-10b (c); and 13M-3081 Fleeing using a vehicle 61-5-17 (e) originating from an incident that occurred on April 20, 2013 at the Kanawha Sheriff and Kanawha County Complex in Charleston West Virginia. On May 21, 2014 in the Kanawha Magistrate Court a Jury found the defendant guilty on all three charges and thereafter on June 9, 2014 Justice Sisson sentenced the defendant to one year home confinement.

On July 3, 2014 at the Kanawha Judicial Complex defendant filed an appeal to the Magistrate Court with an on duty Night Court Judge the time recorded was 6:00 pm. The defendant utilized *Rule 20.1 of the Rules of Criminal Procedure for Magistrate Courts and West Virginia Code 50-5-13 and 'Information regarding the appeal process from magistrate court to circuit court SCA-M1250-1'*. The defendant completed the State supplied/required form found in 18. ATTACHMENTS (1) '*Petition for Appeal of Jury Verdict*'.

In summary the defendant utilized Criminal Rule 20.1 and provided a completed Appeal Form with Facts, Grounds, Motions, and two CD Transcripts of the two hearing from the Jury Trial (May 21, 2014) and from the Motion for Mistrial and Sentencing Hearing (June 9, 2014). *Rule 20.1' Appeal to Circuit Court' (a) {1} Within 20 days after the sentencing for such convictions;*. On July 7, 2014 Justice Sisson in court denied to accept the completed July 3, 2014 appeal for the reason it was beyond the 20 days and the defendant was to seek relief thru the Circuit Court utilizing Rule 20.1 (c) *If no appeal is perfected within the appropriate 20-day period, the circuit court may, not later than 90 days after the*

*date of sentencing, grant an appeal upon a showing of good cause why such appeal was not filed within the 20-day period.*

**The defendant objected for the appeal was submitted under self-representation within 24 actual days and 18 business days with no mail time included.**

On July 7, 2014 the defendant provide the completed Appeal Motion rejected from the Magistrate Court to the Circuit Court of Kanawha County clerks. The cause was given that the defendant was self-represented and the appeal was submitted within 20 business days excluding mail time. Judge Kaufman on July 8, 2014 rejected the motion stating;

*“Under Rule 12 (b) (6) of the West Virginia Rules of Civil Procedure, Defendant must state a claim and present a set of facts on which relief could be granted.” And “Thus, Respondent’s Motion to Accept Appeal is hereby DENIED for failure to state a claim for which relief can be granted.”*

On July 10, 2014 the defendant with Magistrate clerk administrator and Circuit Court administrators submitted the appeal again for the appeal included the Facts and the Relief was the appeal of the Jury Verdict and dismissal of all charges on Double Jeopardy and/or Prejudiced/Malice by the State of West Virginia. The clerks assigned a new case # 14-M-AP-5 to Judge Jennifer F. Bailey. Thereafter Bailey filed a case reassignment to Tod J. Kaufman, upon which Justice Kaufman denied the appeal for the same “as the reasons given in the Final Order of July 8, 2014” this Final Order was entered on July 16, 2014.

Defendant seeks the reversal of the Circuit Court decision for the facts and relief were provided in complete form, grounds, facts, motions, transcripts and exhibits. Additional relief of immediacy is ask under Rule 29. Motions, expedited relief – for the lower courts actions appear malice and prejudice which has negatively impacted the defendant’s participation in the 2014 United States Senate race.