

CRIMINAL CASE HISTORY

Felony Misdemeanor

BOND INFORMATION

Bond set at: 25,000.00 Type: C
Bond received from:
Date: Mag.: Amount: \$
Rec. #:
Date pauper's affidavit filed:
Notes/Comments: 06/23/11 SENT TO CRJ
06/24/11 RELEASED FROM CRJ
09/30/11 MOTION TO CONT. BY STATE GRANTED.

Defendant, name, address, tel.

GABRIEL PHROPHET
POWELL ST.
GLENVILLE WV 26351
DL #: P613271002008

Def. birth date: 06/02/85 SS #:
Complainant name, address, tel.

CASON S. JONES, DEPUTY
10 HOWARD ST.
GLENVILLE WV 26351
324 462-7441

Pros.:
Counsel: DAN GRINDO, ATTY AT LAW
Court-appointed?: YES
Affidavit of prejudice date:
Disp.:

SEXUAL ASSAULT

Offense:
Offense date: 06/17/2011
W.V. Code: 01 CB 4(2)(1)
Summons date:
Sum. app. date:
Warrant date: 06/21/2011
Rearrest issued:
Case reference:
Worthless check amt.: \$
Issuing mag.: MINIGH
Assigned mag.: WOLFE
Transf. to:
Transf. to:
Trial mag.: WOLFE

FISCAL DATA

Fine \$
Court costs \$
Arrest fee \$
RJA fee \$
LET fee \$
CVC fee \$
Worthless check notice \$
Other \$
Total due: \$

Table with columns: Date, Mag., Rec. #, Amount

FIRST APPEARANCE / PLEAS - MISDEMEANOR

Arrest date: 06/23/2011 Arraignment (plea) date: 06/23/2011
Re-arrest date:
Date committed: 06/23/2011 Date released: 06/24/2011
Defendant status: Pro se Counsel Jury trial waived
Defendant failed to appear by summons or notice
Plea: Not guilty No contest Guilty

Hearing Dates

Def. P-T motions filed:
Pros. P-T motions filed:
Jury trial?:
Pre-trial conf.: Time:
Original trial: Time:
Prelim. hearing: 09/30/2011 Time: 10:15 A

Continuances

By: DEF To: 09/30/2011 Time: 10:15 A
By: ST To: 10/28/2011 Time: 10:15 A
By: To: Time:
By: To: Time:
By: To: Time:

PRELIMINARY HEARING

Preliminary hearing date: 10/28/2011 Defendant status: Pro se Counsel
Waiver of preliminary Probable cause found, bound over to Circuit Court Date to Circ. Ct.:
No probable cause found, defendant and bond discharged Bond disbursed to: Circ. Ct. Defendant
Other: Surety Other

Magistrate

DISPOSITION ACTIVITY AND JUDGMENT ORDER

Pre-trial dismissal date:
Verdict or plea date: Trial: Bench Jury Mistrial Verdict or plea:
Plea agreement terms disclosed:

Sentence is imposed as follows: Fine: \$, Costs & fees: \$, Jail term:

Other: 10/28/11 DISMISSED. FAILURE OF STATE'S WITNESS TO APPEAR PER SUBPOENA.

So ordered and entered this 28th day of October 19011 by

Handwritten signature of Cason S. Jones

Magistrate

POST-JUDGMENT ACTIVITIES

Set-aside hearing date: Status: Granted Denied
Appeal filed date: Appearance bond amount: \$ Type: Date bond posted:
Appeal forwarded to Circuit Court date:
Writs: Execution: Suggestion: Suggestee Execution: Other:

CERTIFICATION BY CLERK

I, hereby certify that the above is a true and complete record of all proceedings in the above criminal action, filed in my office.

GIVEN UNDER MY HAND THIS DAY OF 19

SEAL

Clerk

IN THE MAGISTRATE COURT OF GILMER COUNTY, WEST VIRGINIA

State of West Virginia

Case No. 11F-54

v-
Gabriel Phrophet
Defendant

Misdemeanor
 Felony

Address: Powell Street, Glenville, WV 26351

Date of Birth: 02-02-89

Driver's license # P613271002088 MD

Last four digits of SS: 0665

CRIMINAL COMPLAINT

I, the undersigned complainant, upon my oath or affirmation, state the following is true and correct to the best of my knowledge and belief. On or about 06-17-11 in Gilmer County, West Virginia, in violation of W.Va. Code (cite specific section, subsection, and/or subdivision on applicable) 61-8B-4(a)(1) Sexual Assault 2nd Degree the defendant did (state statutory language of offense):
A person is guilty of sexual assault in the second degree when: Such person engages in sexual intercourse or sexual intrusion with another person without the person's consent, and the lack of consent results from forcible compulsion;
I further state that this complaint is based on the following facts:

See Attached

Continued on attached sheet? Yes No

The defendant is/has:

- The victim's spouse or ex-spouse
- A parent or guardian of the victim
- A child in common with the victim

- Living with the victim or had lived with the victim
- A person who may be classified as a spouse, parent or guardian to the victim
- None of the above connections to the victim

Complainant (who appears before magistrate):

Name: Deputy Cason S Jones

Address: 10 Howard Street

Glenville WV 26351

Phone: 304-462-7441

Deputy Sheriff

Office or title, if any

[Signature]
Complainant signature

On this complaint, sworn or affirmed before me and signed this date by complainant in my presence, the item(s) checked below apply:

- Probable cause found
- Summons issued
- Warrant issued
- Warrantless arrest
- No probable cause found

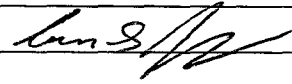
[Signature]
Magistrate Signature

6/21/11
Date

- Return
- Defendant
- File
- Complainant
- Prosecuto,

(Criminal Complaint Continued)

On 06-17-11 at approximately 0845 this officer received a complaint of a sexual assault from Cheif Deputy Gerwig. This officer responded to Stonewall Jackson Memorable Hospital where this officer met with the victim Mary Hadnall in the Emergency Room. This officer received a copy of the victims medical records as well as the rape kit evidence. This officer took a written statement from the victim where she stated that the defendant Garriel Prophet forced the victim to give him oral sex by pushing her head in his lap, grabbing her hair and forcing her mouth upon his penis. She also stated the defendant pulled off her cloths, pulled her to the bedroom, threw her on the bed and jumped on top of her. She stated that the defendant rammed his penis into her and she pushed him back to resist. She stated that he became more violent and in fear for her life she submitted to him. She stated that the defendant wore a condom and that he pulled out to ejaculate. She stated that as soon as he left the room she fled the scene and called for help. She stated that this occurred at his residence on Powell Street, Glenville, Gilmer County, West Virginia.



State of West Virginia

v. Criminal Case Number(s): 11-F-54

Gabriel Phropot
Defendant (Full Name)

Driver's License No.

578-17-0665
Social Security No.

02-02-89
Date of Birth

INITIAL APPEARANCE:
RIGHTS STATEMENTS

A. GENERAL: EITHER MISDEMEANOR OR FELONY OR BOTH

1. The magistrate has informed me that I am charged with the offense(s) of Sexual Assault 2d Degree

and that, if I am later found guilty, the possible penalties are (state mandatory minimum penalty, if any, and maximum penalty): upon conviction thereof, shall be imprisoned in the penitentiary not less than ten nor more than 25 years or fined not less \$1,000.00 nor more than \$10,000 & placed in penitentiary not less 107 25 yrs

2. The magistrate has informed me that I have the right to be represented by an attorney at every stage of the proceeding. If the West Virginia Code provides for a possible jail sentence, and if I cannot afford to hire an attorney, and I qualify, one will be appointed to represent me. I understand this right, and further understand that if I decide to represent myself, then I cannot later claim that I was deprived my right to represented by an attorney.

DEFENDANT MUST INITIAL ONE OF THE FOLLOWING THREE CHOICES IF A JAIL PENALTY IS POSSIBLE:

- GP (a) I give up my right to have an attorney represent me.
- (b) I want to hire an attorney to represent me.
- (c) I want an attorney appointed to represent me.

I understand that, if I am found guilty, I might be required to reimburse the State for attorney fees even if a court-appointed or public-defender attorney is approved to represent me.

Date: 6/23/11

Defendant's Signature: Gabriel Phropot

Initial Appearance: Rights Statement

3. The magistrate has informed me that, except for any felony offense for which the penalty is life imprisonment, the magistrate may release me from custody while I am waiting for further proceedings on the charge(s) stated above if I am able to make bail generally as follows:

\$ 25,000.00 Cash/Security

4. The magistrate has given me reasonable time and opportunity to talk with an attorney or with one relative or other person for the purpose of obtaining counsel or of arranging bail.

5. The magistrate has informed me that I do not have to make any statement to anyone other than the statements in this document and that any statement I do make may be used against me.

B. MISDEMEANOR CHARGE(S) ONLY

1. The magistrate has informed me that I have a right to plead not guilty; that I have a right to a trial by jury or by a magistrate without a jury; and that, if I plead guilty or no contest, I give up my right to a trial.

2. The magistrate has informed me that I have the right to demand a jury trial and that, if I want a jury trial, I must let the magistrate court know in writing no later than 20 days from the date of this initial appearance or, if I receive court-appointed counsel, 20 days from the date that an attorney is appointed. The magistrate has further informed me that if I demand a jury trial, I may not withdraw my demand for a jury trial if the prosecuting attorney objects to the withdrawal. If I do not demand a jury trial within the 20-day period, I have also been informed that I give up my right to a jury trial, the magistrate will try my case without a jury and an appeal of a magistrate court conviction will not entitle me to a jury trial in circuit court. I understand as well that if I have a jury brought in, the jury fee will be assessed against me if I am convicted.

C. FELONY CHARGE(S) ONLY

1. The magistrate has informed me that, since I have been charged with a felony offense for which the penalty is life imprisonment, only the circuit court may grant and set bail.

2. The magistrate has informed me that, since I have been charged with a felony, I have the right to a preliminary hearing for a determination of whether any felony charge(s) should be bound over for possible presentation to a grand jury.

DEFENDANT MUST INITIAL ONE OF THE FOLLOWING THREE CHOICES:

- (a) I want a preliminary hearing.
- (b) I give up my right to a preliminary hearing.
- GP (c) I or my attorney will inform the court whether I want a preliminary hearing.

Date: 6/23/11 Defendant's Signature: [Signature]

I have informed the defendant personally of the applicable matters set out above. I find that any waiver of rights herein is made knowingly and voluntarily by the defendant (Initial IF APPLICABLE) I certify that the defendant refused to initial and/or sign this document at the appropriate places.

Date: 6-23-11 Magistrate's Signature: [Signature]

IN THE MAGISTRATE COURT OF

Lincoln

COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

v.

Gabriel Prophet
203 Lowell St. Apt. 4
Glenville, WV 26031

Case No(s).

11-F-54-55

Charge(s):

Sexual Assault
2nd Degree
 Felony Sexual Abuse
 Misdemeanor 1st Degree

JAIL COMMITMENT ORDER

The court hereby ORDERS commitment of the above-named defendant to the custody of the county/regional jail

- Until \$ _____ bail is posted.
- To await court action. Hearing date: _____
- For a period of _____, as sentence upon conviction.

_____ Date _____ Time _____ a.m. _____ Magistrate

Received and executed by _____ .m.
Officer Taking Custody Date Time

and/or _____ .m.
Jail Officer Date Time

JAIL RELEASE ORDER

The court hereby ORDERS release of the above-named defendant from the custody of the county/regional jail for the following reason:

- Bail has been posted. Hearing date: when notified
- Charge has been dismissed
- Time served as of the date of judgment has satisfied the sentence imposed.

6-24-2011 Date 9:00 Time (a.m.) Carly Suber Magistrate

Received and executed by _____ .m.
Jail Officer Date Time

- Return
- Defendant
- File
- Jail
- Officer

Putnam

State of West Virginia

v. Gabriel Phosphor
Defendant

Case No. 11F-55-54

203 Powell St. Apt. 4
Address & Telephone Number(s)
Glennville, WV 26031

Driver's License Number

02-02-89
Birth Date

578-17-0665 [Bail amount per charge: _____]
Social Security Number

CRIMINAL BAIL AGREEMENT: CASH OR RECOGNIZANCE

A. AMOUNT OF BAIL. The defendant having been charged with the (initial one) _____ misdemeanor or _____ felony offense(s) of

Sexual Assault 2nd Degree
Sexual Abuse 1st Degree

and having a right to bail, this court hereby sets bail for the defendant in the amount of \$ 25,000.00 in the form of (initial one) _____ cash or _____ recognizance or _____ 10% cash and personal recognizance or _____ 10% cash and surety. If real property is used as security, a justification of surety (initial one) QW is or _____ is not required.

B. TERMS AND CONDITIONS FOR RELEASE ON BAIL. If admitted to bail, the undersigned defendant understands and agrees:

1. To be present personally in this court at _____ m. on the _____ day of when notified, or as will be specified in a notice of hearing that will be mailed at the above address for either (initial one) _____ misdemeanor plea proceeding or _____ trial or _____ felony preliminary hearing;
2. To be present personally at any other proceeding(s) concerning the above charge(s) and to obey any notice, process or order issued by this or the circuit court until this or the circuit court has disposed of all matters with respect to which the bail granted herein may apply;
3. To appear to begin serving jail or prison time as ordered by the disposing court if that court renders a judgment of guilt on the offense(s) charged and imposes a penalty of incarceration;
4. To inform the court immediately of any change of name, address, or telephone number;
5. To not leave the State of West Virginia without written approval by this court;
6. To not violate any state or federal laws;

7. To have no direct or indirect contact with the victim(s) in this matter; Prohibited from carrying a gun -

8. To comply with the following additional condition(s) of this bail:
No contact with victim or ex-boyfriend, through any means - myspace, facebook, twitter, voice mail, email, Prohibited from using alcohol or illegal Drugs

The undersigned defendant also understands and agrees that, if he or she is admitted to bail and does not fulfill the terms and condition(s) above, the full bail amount is subject to forfeiture and may be increased; that other penalties for violation of such terms and condition(s) may be imposed; and that, if the defendant fulfills the terms above, the surety will be exonerated and the cash deposit returned if appropriate, or the recognizance satisfied.

[Signature]
Defendant Signature

6-23-11
Date

[Signature]
Magistrate Signature

6-23-11
Date

- File
- Defendant
- State
- Other Depositor or Surety

CRIMINAL BAIL: CASH OR RECOGNIZANCE

CASE No. 11-F-54-55

C. TYPE OF BAIL. (Magistrate is to initial and complete only one of the following.)

1. CASH. The defendant or, on the defendant's behalf, _____ has
(name of other depositor(s) if any)
(have) deposited cash with this court in the amount of \$ _____, subject to the terms and conditions set out above.

2. PERSONAL RECOGNIZANCE. The undersigned defendant on his or her own recognizance does undertake to forfeit a sum of money equal to the required amount of bond if he or she fails to comply with the specific terms and conditions set out above.

BW 3. RECOGNIZANCE. The undersigned AAA Bail Bonds
(adult owner(s) of real property or surety company)
by recognizance bond on the defendant's behalf, does or do undertake to forfeit a sum of money equal to the required amount of bond if the defendant fails to comply with the specific terms and conditions set out above. A justification of surety (initial one) is or CAW is not required, and if so, is incorporated herein by reference.

4. CASH AND PERSONAL RECOGNIZANCE. The defendant or, on the defendant's behalf, _____
(name of other depositor(s) if any)
has (have) deposited cash with the court in the amount of \$ _____, which represents 10 percent of the bail, and which will be forfeited if the defendant does not comply with the terms and conditions set out above. Additionally, the undersigned defendant on his or her own recognizance does undertake to forfeit a sum of money equal to 90 percent of the bail if he or she fails to comply with the specific terms and conditions set out above.

5. CASH AND SURETY. The defendant or, on the defendant's behalf, _____
(name of other depositor(s) if any)
has (have) deposited cash with the court in the amount of \$ _____, which represents 10 percent of the bail, and which will be forfeited if the defendant does not comply with the terms and conditions set out above. Additionally, the undersigned, _____, by surety in the form of _____
(name of surety(s)) (describe surety, e.g., real property; stock; bonds)
on the defendant's behalf, does or do undertake to forfeit a sum of money equal to 90 percent of the bail if the defendant fails to comply with the specific terms and conditions set out above. A justification of surety (initial one if real property is used as surety) is or _____ is not required, and if so, is incorporated herein by reference.

D. CONSENT TO APPLY DEPOSIT. As the person(s) posting the bail, I (we) _____ do or _____ do not consent to the application of all or part of the cash deposit to court costs, fees and fines if the disposing court renders a judgment of guilt against the defendant.

Defendant Signature (needed only if defendant personally posts bond)

Date

By signing below, I acknowledge that I have reviewed and agree to the same terms and conditions of bail for pretrial release agreed to by the defendant.

Ben Morgan P.O.A AAA
Other Depositor or Surety Signature(s), if any

6-24-2011
Date

Other Depositor or Surety Name(s) and Address(es) (type or print):
AAA Bail Bonds
P.O Box 445
Granville W.V. 26534

Other Depositor or Surety Social Security Number(s):
Other Depositor or Surety Telephone Number(s):
304-619-5549

E. ADMISSION TO BAIL. Accordingly, the court hereby approves bond for the defendant and ORDERS the defendant's continued freedom or release from custody.

Acknowledged before me and ORDERED this 24 day of June 2011.

Carol Z. Wolfe
Magistrate Signature

- File
- Defendant
- State
- Other Depositor or Surety

WEST VIRGINIA PUBLIC DEFENDER SERVICES
AFFIDAVIT: ELIGIBILITY FOR APPOINTED OR PUBLIC DEFENDER COUNSEL *Cell*

NAME: *Gabriel Prosser*
 ADDRESS: *1203 Powell St. Apt. 4*
Glenville, WV 26031

CONTACT PHONE: *774-535-5793*
 DATE OF BIRTH: *02-02-89*
 SOCIAL SEC. #: *578 - 17 - 0665*

CASE NO.(S) *11-F-54, 55* COURT? MAGISTRATE CIRCUIT COUNTY SUPREME
 CHARGE(S): *Sexual Assault 2nd Degree, Sexual Abuse 1st Degree*
 CASE TYPE-SPECIFY: FELONY MISDEMEANOR PROBATION REVOC JUVENILE MENTAL HYGIENE
 ABUSE & NEG EXTRADITION CONTEMPT OTHER-SPECIFY _____
 BOND AMOUNT: *25,000.00* WERE YOU ABLE TO MAKE BOND? YES NO
 DO YOU PLAN TO HIRE PRIVATE COUNSEL? YES NO HAVE YOU TRIED TO HIRE PRIVATE COUNSEL? YES NO
 RESULT: *On Bond*

GROSS MONTHLY INCOME from ALL sources: Employer *0*; Spouse's Employment; *0*; 2nd Job _____;
 Self-employment _____; Public Assistance _____; Food Stamps *110.00*; Unemployment _____;
 Benefits _____; Disability Benefits (Worker's Comp/VA/Social Security) _____; Social Security/SSI; _____;
 Alimony/Child Support Received _____; Pensions _____; Rental Income _____; Interest _____; Dividends _____;
 Annuities _____; ODD JOBS _____ OTHER (Specify): _____
 MONTHLY TOTAL FROM ALL SOURCES \$ *110.00*

NAMES OF DEPENDENTS SUPPORTED BY YOU:

LAST NAME	FIRST NAME	RELATIONSHIP	AGE	DISABILITIES	TOTAL NO. OF DEPENDENTS YOU SUPPORT
1.					
2.					
3.					
4.					
5.					
6.					

TOTAL ASSETS: Cash \$ *5.00*; Checking/Savings Accounts \$ _____; Monies Owed to You \$ _____; Tax Refunds Due \$ _____
 Value of Real Estate (other than your residence) \$ _____; Vehicles: Model/Year _____; Spouse's Vehicle _____; Stocks \$ _____; Bonds _____; Notes \$ _____; OTHER? _____ \$ *5.00*

TOTAL MONTHLY EXPENSES: Rent/Mortgage \$ *300.00*; Car Payment \$ *0*; Loan Payments \$ *0*;
 Utilities (gas/elect/phone/water/sewage/heat) \$ _____; Job-Related Expenses (uniform/transportation/protective equipment/insurance premiums/child care/health care) \$ _____; Alimony \$ _____; Child Support \$ _____; Other One-Time Debts You Currently Owe (Medical Bills/Car/Home Repairs) \$ _____
 TOTAL EXPENSES \$ *300.00*

WARNINGS!

(1) False Swearing May Result in Criminal Prosecution (2) The Information In This Affidavit is NOT Confidential and May Be Made Available to Other Persons!

I understand that by Court Order as a condition of probation or otherwise, I may be held responsible for repayment of court costs and the cost of my attorney to the extent determined to be reasonable in relation to my financial circumstances, and that such court order will become a valid judgment against me until paid.

DATE: *6-29-2011* SIGNATURE: *Gabriel Prosser*

Taken, subscribed, and sworn or affirmed before me by *Gabriel Prosser* this *29* day of *June*, *2011*, in *Selma* County, WV.

Craig Mudge
 NOTARY PUBLIC/MAGISTRATE/AUTHORIZED COURT PERSONNEL

IN THE MAGISTRATE COURT OF GILMER COUNTY, WEST VIRGINIA

**STATE OF WEST VIRGINIA,
Petitioner,**

V.


Case NO. 11-F-54 & 55

**GABRIEL PROPHET,
Defendant**

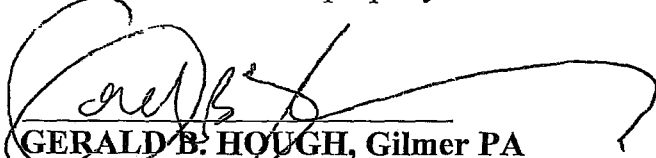
AGREED ORDER FOR CONTINUANCE OF PRELIMINARY HEARING

Now comes the State of West Virginia, by her Prosecuting Attorney, Gerald B. Hough, and comes also Counsel for Defendant GABRIEL PROPHET, Daniel Grindo, pursuant to W.Va. Code §62-1-9, to agree upon a joint motion to continue the Preliminary Hearing in this matter until the 30th day September, 2011, based upon the following:

- The State requested additional time to further investigate the allegations contained in the criminal complaint, and the State has had considerable difficulty reaching the alleged victim.
- The fair administration of justice requires additional time to properly present and defend the matter.



**DANIEL GRINDO, Counsel for Defendant
WV Bar ID No. 9131**



**GERALD B. HOUGH, Gilmer PA
W.V. Bar ID No. 7724**

THE CONTINUANCE IS GRANTED; IT IS SO ORDERED.

ENTER: July 19th, 2011
CAROL WOLFE, MAGISTRATE

DATE: Carol Wolfe

Gerald B. Hough
Gilmer County Prosecuting Attorney
7 North Court Street
Glennville, WV 26351
(304) 462-7007 phone
(304) 462-7010 fax
gerryhough@frontier.com

MEMO

DATE: October 12, 2011
TO: The Honorable Carol L. Wolfe
Pam Furr, Assistant

FROM: Gerry Hough
RE: State v Gabriel Phrophet, 11-F-54 & 55

Please issue a subpoena for the following witness for a
PRELIMINARY HEARING on October 28, 2011 at 10:15 a.m..

WITNESS:

1. Deputy Cason Jones
Gilmer County Sheriff Department
10 Howard Street
Glennville, WV 26351
304-462-7441

Gerald B. Hough
Gilmer County Prosecuting Attorney
7 North Court Street
Glennville, WV 26351
(304) 462-7007 phone
(304) 462-7010 fax
gerryhough@frontier.com

MEMO

DATE: October 12, 2011
TO: The Honorable Carol L. Wolfe
Pam Furr, Assistant

FROM: Gerry Hough
RE: State v Gabriel Phropheet, 11-F-54 & 55

Please issue a subpoena for the following witness for a
PRELIMINARY HEARING on October 28, 2011 at 10:15 a.m..

WITNESS:

1. Mary Hudnall
502A Goodwin Hall
200 High Street
Glennville, WV 26351
Glennville Go-Mart (works day shift)

IN THE MAGISTRATE COURT OF GILMER COUNTY, WEST VIRGINIA

SUBPOENA

Case No. 11F-54 & 11F-55

To the Gilmer County Sheriff or other credible person:

You are hereby commanded in the name of the State of West Virginia to summon Deputy Cason Jones
Gilmer Co. Sheriff's Department
10 Howard St., Glenville, WVa 26351 to appear before the Gilmer County Magistrate Court, located at
201 North Court Street Courthouse Annex, Glenville, WVa 26351

on the 28th day of October, at 10:15 a.m., to testify as a witness on behalf
of State of West Virginia in the case of State of West Virginia

v. Gabriel Phrophet before the magistrate court.

October 14, 2011
Date

[Signature]
Magistrate (Assistant) Clerk

SERVICE OF PROCESS

A true written copy of the Subpoena was served on _____ by:
(date)

Sheriff/Deputy L. Gerwig Private Process Server/Credible Person (name & address):
(Name)

METHOD OF SERVICE (check one):

- The individual named was served in person.
- Substituted personal service. The person named was not found at his/her usual place of abode; a copy of the Subpoena was delivered and the purpose explained to Cindy Clevenger, who is a family member and is above the age of 16.
- The person named was not found.

STATE OF WEST VIRGINIA, COUNTY OF _____, to-wit:
The foregoing instrument was taken, subscribed and sworn to or affirmed and acknowledged before me this _____ day of _____, by the above-named private process server or credible person.

Notary Signature _____ My commission expires on _____

PRIVATE PROCESS SERVER RECEIPT (Optional)

I received \$ _____ from the (check one) plaintiff defendant for serving the within Subpoena.

Signature _____ Date _____

Return

SUBPOENA

Case No. 11F-54 & 11F-55

To the Gilmer County Sheriff or other credible person:

You are hereby commanded in the name of the State of West Virginia to summon Mary Hudnall
Glenville State College
200 High St., Glenville, WV 26351 to appear before the Gilmer County Magistrate Court, located at
201 North Court Street Courthouse Annex, Glenville, WV 26351

on the 28th day of October, 2011, at 10:15 a.m., to testify as a witness on behalf
of State of West Virginia in the case of State of West Virginia

v. Gabriel Phrophe before the magistrate court.

October 27, 2011
Date

Pam Quin
Magistrate Assistant / Clerk

SERVICE OF PROCESS

A true written copy of the Subpoena was served on 10-27-11 by:
(date)

Sheriff/Deputy L. Gerwig Private Process Server/Credible Person (name & address):
(Name)

METHOD OF SERVICE (check one):

- The individual named was served in person.
- Substituted personal service. The person named was not found at his/her usual place of abode; a copy of the Subpoena was delivered and the purpose explained to _____, who is a family member and is above the age of 16.
- The person named was not found.

STATE OF WEST VIRGINIA, COUNTY OF _____, to-wit:
The foregoing instrument was taken, subscribed and sworn to or affirmed and acknowledged before me this _____ day of _____, by the above-named private process server or credible person.

My commission expires on _____

Notary Signature

PRIVATE PROCESS SERVER RECEIPT (Optional)

I received \$ _____ from the (check one) plaintiff defendant for serving the within Subpoena.

Signature

Date