WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1984

ENROLLED

Com. Sub. for
HOUSE BILL No. 1004

(By Mr. Del. Steptoe & Del. Doyle)

Passed March 8, 1984

In Effect Ninety Days From Passage
AN ACT to amend and reenact section thirteen, article five, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to magistrate courts; the trials, hearings and appeals in and from such courts; prohibiting appeals in criminal cases where a plea of guilty has been entered with representation by counsel; and exceptions.

Be it enacted by the Legislature of West Virginia:

That section thirteen, article five, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5. TRIALS, HEARINGS AND APPEALS.


1 Any person convicted of an offense in a magistrate court may appeal such conviction to circuit court by requesting such appeal within twenty days of the sentencing for such conviction. The magistrate may require the posting of bond with good security conditioned upon the appearance of the defendant as required in circuit court, but such bond may not exceed the maximum amount of any fine which could be imposed for the offense. Such bond may be upon the defendant’s own recognizance. An appeal may be granted by a
judge of the circuit court of the county within ninety days from the date of sentencing. The filing or granting of an appeal shall automatically stay the sentence of the magistrate. Trial in circuit court shall be de novo. Notwithstanding any other provisions of this code to the contrary, there shall be no appeal from a plea of guilty where the defendant was represented by counsel at the time the plea was entered: Provided, That the defendant shall have an appeal from a plea of guilty where an extraordinary remedy would lie or where the magistrate court lacked jurisdiction.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Donald Gwinn
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Jeff C. Witte
Clerk of the Senate

Donald L. Hegg
Clerk of the House of Delegates

Warren B. McGee
President of the Senate

Speaker House of Delegates

The within bill approved this the 20th day of March, 1984.

Paul Thompson
Governor