

BE IT REMEMBERED that heretofore, to-wit, on Thursday, July 25, 1991, in the hearing of the above-styled action, there being present Richard H. Lorensen, Prosecuting Attorney, counsel for the State; the defendant, Tammy Wilson, in person and by her counsel, J. Steven Hunter, Attorney at Law, the following proceedings were had:

THE COURT: The next hearing is in the matter of State of West Virginia vs. Tammy S. Wilson. This is a matter that earlier was transferred to the Circuit Court of Monongalia County pursuant to Order of this Court and thereafter ratified and confirmed by the Supreme Court of Appeals. The case is scheduled for trial in that court next Monday, July 29.

The case, as I understand it, still has certain unresolved issues, and counsel requested that that hearing with respect to the issues be held here. I know we have got several issues apparently the defendant wishes to raise, and apparently also some that the State wishes to raise.

Mr. Hunter, if you want to go ahead.

MR. HUNTER: Your Honor, the first -- the issues are set out in a motion in limini, as far as the State - or the defendant is concerned today. I had earlier advised the defendant -- counsel for the State, that the defendant's witness list would be all of the witnesses who were listed as the State's potential witnesses, and Miss Wilson. Insofar as I

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MR. HUNTER: Nobody likes anybody apparently.

THE COURT: Anything else?

MR. HUNTER: No, your Honor.

THE COURT: We will start at 9:00 up there. That's their customary. I understand we will be using the main courtroom, which is Judge Starcher's courtroom.

MR. LORENSEN: Old courtroom?

THE COURT: Old courtroom. Judge Stone is in the new section, all on the same floor.

That's all I can think of. Anything else comes up, let me know - we are leaving out on Sunday - and we will try to resolve it. We will go from there.

And in lieu of bond, she is remanded to the custody of the Sheriff.

→ MR. LORENSEN: I don't know if I should mention this on the record or not. I am going up for my 20th high school reunion. I notice on the jury panel, two classmates of mine, two high school classmates that are on the jury panel: Michael Wilson, a dentist, and Reed Tanner, who is an accountant in Morgantown. I don't know if I should refrain from socializing with those individuals or simply just not mention the case. They are probably not aware of the case or that I am involved in it. I don't know how I should act. I don't want to do anything to prejudice the whole panel, or the defendant, in any

way. On the other hand, I haven't seen the people for a long time and they are old friends.

THE COURT: I would make my contact with them as slight as possible.

MR. LORENSEN: I wanted to bring it to everybody's attention, too.

MR. HUNTER: Remind me of the names Monday when I am striking the jury.

THE COURT: All right. Stand in recess.

FIRST DAY

MORNING SESSION

BE IT REMEMBERED that heretofore, to-wit, on Monday, July 29, 1991, in the trial of the above-styled action, there being present Richard H. Lorensen, Attorney at Law, counsel for the State; the defendant, Tammy Wilson, in person and by her counsel, J. Steven Hunter, Attorney at Law, and Thomas Madden, Attorney at Law, the following proceedings were had:

THE COURT: Good morning. My name is Frank Jolliffe. Although born and raised in Monongalia County, I am now a Circuit Judge in Greenbrier County. The case scheduled for trial today is a Greenbrier County case that was transferred to Monongalia County for trial. It is the case of State of West Virginia vs. Tammy S. Wilson, 90-F-73, with a second number of 91-F-49.

is the State ready to proceed?

MR. LORENSEN: State is ready, your Honor.

THE COURT: Defense ready to proceed?

MR. HUNTER: Defendant is ready, your Honor.

THE COURT: Ladies and gentlemen, we will first impanel the jury. As your names are called, please come forward and you will be seated.

WHEREUPON the Clerk called the following twenty prospective jurors: Eric Ammons, Jo Ann Hunt, Dan Armstrong,

(No response from the jury panel.)

THE COURT: Do any of you have any physical defect or impairment, such as hearing, sight or otherwise, which would render you incapable of performing your duties as jurors in this case?

(No response from the jury panel.)

THE COURT: The State of West Virginia will be represented in this matter by Mr. Richard Lorensen, the Prosecuting Attorney for Greenbrier County. Are any of you related by blood or marriage to Mr. Lorensen?

(No response from the jury panel.)

→ THE COURT: Do any of you know him from any business or social relationship?

(Prospective Juror Reed Tanner indicated yes.)

BY THE COURT OF PROSPECTIVE JUROR REED TANNER:

Q Mr. Tanner? How do you know him, sir?

A I grew up with Dick in Morgantown.

Q Would your knowledge of him prevent you from acting with impartiality in this case?

A Actually, since knowing of the case from the media, I have questioned myself, and I don't know. That's a hard one.

Q You have a question in your mind about that?

A (Nods affirmatively.)

THE COURT: May I assume there is no objection to him

stepping down?

MR. HUNTER: No, your Honor.

MR. LORENSEN: No, your Honor.

THE COURT: You may step down.

(Prospective Juror Tanner returned to his seat in the courtroom.)

THE COURT: The Clerk will call another juror.

WHEREUPON the Clerk called Prospective Juror Michael Wilson.

THE COURT: Mr. Wilson, if you will stand, the Clerk will give you your oath concerning your answers to qualifications.

(Prospective Juror Wilson was duly sworn to answer any and all questions asked him.)

BY THE COURT OF PROSPECTIVE JUROR MICHAEL WILSON:

Q Mr. Wilson, these questions will be addressed solely to you. Are you over the age of 18 years?

A Yes, I am.

Q Are you presently a citizen of this county, of this state and of the United States?

A Yes.

Q Have you ever been convicted of perjury, subornation of perjury, false swearing, or any other infamous offense, or lost the right to vote because of a criminal conviction?

A No.

3 Q Have you served as a magistrate, petit or grand juror within the last two years, other than during this term of court?

A No.

4 Q Do you have any case or matter of fact to be tried by a petit jury at this term of court?

A No.

Q Do you know anything about this case of your own personal knowledge?

A No.

Q Have you read or heard anything about this case?

A No.

Q Are you related by blood or marriage to the accused, Tammy Wilson?

A No.

Q Do you know her from any business or social relationship?

A No.

Q Are you related by blood or marriage to the other defendants, Roger Emmett Cline or Harry Jo Johnson?

A No.

Q Do you know either of them in any capacity?

A No, I don't.

Q Were you related by blood or marriage to the

individual named as the victim in this indictment, Tod McQuaid?

A No.

Q Did you know him from any business or social relationship?

A Huh-uh.

Q Have any of you -- or are you or any member of your immediate family now serving as a member or employee of any prosecutorial or law enforcement agency of the State of West Virginia?

A (Shakes head negatively).

Q Have you made up your mind or formed or expressed an opinion as to the guilt or innocence of this defendant?

A No.

Q Were you a member of the Grand Jury in Greenbrier County in November of 1990 at which time the indictment in this case was returned?

A No.

Q Are you sensible or conscious of any prejudice or bias, for or against the defendant or for or against the State, or otherwise, which would in any way prevent or interfere with you rendering a fair and impartial verdict in this case in accordance with the law and the evidence?

A No.

Q Do you have any interest whatsoever in the outcome

of this case?

A No.

Q Do you know of any reason whatsoever why you cannot sit as a juror in this case and a fair and impartial verdict render based upon the law and the evidence?

A No.

Q Do you have any physical defect or impairment which would render you incapable of performing your duties?

A No.

THE COURT: I will ask this question to all of you:

Is there any member of this panel who requested of a jury commissioner that their name be placed on the jury list?

(No response from the jury panel.)

THE COURT: I will go back to the previous question and ask each of you again to respond: Are any of you related by blood or marriage to Mr. Lorenson?

(No response from the jury panel.)

THE COURT: Do any of you know him from any business or social relationship?

(No response from the jury panel.)

THE COURT: The attorneys representing the defendant are Mr. J. Steven Hunter, and Thomas Madden. Are any of you related by blood or marriage to either Mr. Hunter or Mr. Madden?