Supreme Court of Appeals
State of West Virginia

News

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Justice Davis Statement

For immediate release Tuesday, August 14, 2018

CHARLESTON, W.Va. -- I deliver this statement today in dismay, disbelief, and in sadness. I feel profound grief for the state of West Virginia given the current state of affairs. What we are witnessing is a disaster for the Rule of law, the foundation of our state, and indeed, our very society. For when a legislative body attempts to dismantle a separate branch of government, the immediate effects, as well as the precedent it sets for the future, can only be termed disastrous.

Most majority members of the judiciary committee have skipped from one subject to another, irrationally, and without due process of law. The majority party has established a preconception which they bring forth, without regard to the evidence, or the process by which that evidence should be considered.

The majority members have ignored the will of the people who elected the justices of this court. They have erased the lines of separation between the branches of government. In fact, the majority party in the legislature is positioning to impose their own party preferences. The will of the people is being DENIED!

I just cannot allow the finalizing of their plot to come to fruition. I have always put my faith in the people of West Virginia. The people of West Virginia have honored me in three separate elections by placing their confidence in me as a Justice of the West Virginia Supreme Court of Appeals. I have returned their faith by serving honorably for almost 22 years.

I am proud of the opinions I have written as well my dissents. As a point of particular pride, cases on which I have sat, as a West Virginia Supreme Court Justice, which have been appealed to the United States Supreme Court, have always, every single time, been upheld by the United States Supreme Court. It is exactly this fairness of process I would have hoped would have been applied to recent legislative actions. But, there is no evidence that has been the case or that it will be the case.

We judges weigh evidence as part of our jobs. Unfortunately, the evidence clearly shows that the preconceived, result driven mania, among the majority party members in the legislature cannot result in a just and fair outcome.

As I said, I have always placed my faith in the people. I return that faith today to the people of West Virginia. Effective yesterday, August 13, 2018, I retired as a Justice of the West Virginia Supreme Court of Appeals. The citizens of West Virginia will therefore be afforded their Constitutional right to vote in November and elect the Justice who will be my successor.

I thank my fellow West Virginians for the extraordinary opportunity to have served you. I encourage each of you to watch this legislative process very carefully and to vote in November.

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