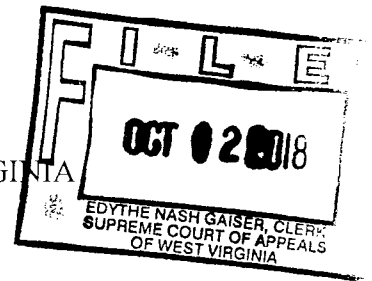


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IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

NO. 18-0816



**STATE OF WEST VIRGINIA EX REL.
MARGARET L. WORKMAN,**

Petitioner,

v.

MITCH CARMICHAEL, as President of the Senate;
DONNA BOLEY, as President Pro Tempore of the Senate;
RYAN FERNS, as Senate Majority Leader;
LEE CASSIS, Clerk of the Senate; and
WEST VIRGINIA SENATE,

Respondents.

**MOTION BY RETIRED JUSTICE ROBIN J. DAVIS TO EXPAND THE WRIT ISSUED
IN THIS CASE TO PROHIBIT HER IMPEACHMENT TRIAL**

To the Honorable Justices of the


West Virginia Supreme Court:

Yesterday the Court issued its decision *State ex rel. Margaret L. Workman v. Carmichael*, No. 18-0816. In this decision, the Court issued a writ prohibiting the impeachment trial of Justice Workman scheduled to begin on October 15, 2018. Retired Justice Robin J. Davis was impeached following the same procedure and on most of the same grounds returned against Justice Workman. Furthermore, the same separation of powers, due process, and procedural flaws identified by the Court in the *Workman* decision are applicable to and controlling in the pending impeachment trial of retired Justice Davis. The Senate impeachment trial for retired Justice Davis is scheduled to be held on October 29, 2018.

Retired Justice Robin J. Davis respectfully moves the Court to expand the writ issued in the *Workman* decision to prohibit the impeachment trial of Retired Justice Davis.

RETIRED JUSTICE ROBIN J. DAVIS,
Movant,

–By Counsel–



J. Timothy DiPiero (W.Va. I.D. No. 1021)
Lonnie C. Simmons (W.Va. I.D. No. 3406)
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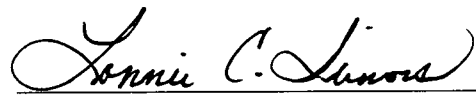
Respondents.

CERTIFICATE OF SERVICE

I, Lonnie C. Simmons, do hereby certify that a copy of the foregoing **MOTION BY RETIRED JUSTICE ROBIN J. DAVIS TO EXPAND THE WRIT ISSUED IN THIS CASE TO PROHIBIT HER IMPEACHMENT TRIAL** was served on counsel of record by mail and email on the 12th day of October, 2018, to the following:

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