

**STATE OF WEST VIRGINIA  
SUPREME COURT OF APPEALS**

**Greg Givens and Dennis Givens, Petitioners**

v.) **No. 12-0397** (Ohio County 12-C-5)

**D. Luke Furbee, Special Prosecuting  
Attorney, Respondent**

**FILED**

**March 30, 2012  
RORY L. PERRY II, CLERK  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA**

**MEMORANDUM DECISION**

This appeal arises from an Order entered in the Circuit Court of Ohio County on January 18, 2012, denying a Petition for Writ of Mandamus. In that Petition, Petitioners sought to compel Special Prosecuting Attorney D. Luke Furbee to prosecute Ohio County Criminal Action 11-F-30. Petitioners now seek a reversal of the circuit court's January 18, 2012 decision and an order from this Court directing the Special Prosecuting Attorney D. Luke Furbee to prosecute Ohio County Criminal Action 11-F-30.

Having carefully reviewed the Notice of Appeal, and the relevant decision of the circuit court, the Court is of the opinion that the decisional process would not be aided by briefing or oral argument. We therefore find that this matter is mature for consideration and that a memorandum decision summarily affirming the circuit court in this instance is appropriate under Revised Rule 21. The Court finds no substantial question of law and does not disagree with the decision of the circuit court in denying the petition.<sup>1</sup>

Accordingly, the order of the Circuit Court of Ohio County is hereby affirmed and this case is dismissed.

Affirmed.

**ISSUED: March 30, 2012**

**CONCURRED IN BY:**

Chief Justice Menis E. Ketchum  
Justice Robin Jean Davis  
Justice Brent D. Benjamin  
Justice Margaret L. Workman  
Justice Thomas E. McHugh

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<sup>1</sup>This Court by order of February 9, 2012, refused to docket Petitioners' appeal from the agreed order dismissing indictments in Ohio County Criminal Action 11-F-30.