

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

January 2011 Term

No. 35691

FILED
June 22, 2011

released at 3:00 p.m.
RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

STATE OF WEST VIRGINIA,
Plaintiff Below, Appellant

v.

DAVID WAYNE KAUFMAN,
Defendant Below, Appellee

Appeal from the Circuit Court of Wood County
Honorable Robert A. Waters, Judge
Civil Action No. 08-F-91

REVERSED and REMANDED

Submitted: March 30, 2011

Filed: June 22, 2011

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Justice McHugh delivered the Opinion of the Court.

Chief Justice Workman concurs and reserves the right to file a concurring opinion.