IN THE CIRCUIT COURT OF [*county*] COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

v. [*case number*]

Hon. [*name*]

[*name-all caps*],

Defendant.

**MOTION FOR BIFURCATED TRIAL REGARDING MERCY**

On this date comes Defendant, [*name*], by Counsel, [*name*], and moved this Honorable Court, pursuant to West Virginia Code, § 62-3-15, as amended, and *State v. Larock*, 196 W.Va. 294, 470 S.E.2d 613 (1996), for a bifurcated trial with respect to the issues of guilt and mercy.

In support of this motion, Counsel asserts that a unitary trial on the issues of guilt and mercy in this matter would be unfairly prejudicial and fundamentally unfair for the following reasons: [*state reasons for bifurcation, with particular emphasis on why such reasons demonstrate the prejudicial effect of a unitary trial*].

Therefore, Defendant requests that this Honorable Court conduct a bifurcated trial on the issues of guilt and mercy in the matter herein.

Dated this \_\_\_ day of [*month, year*].

[*defendant*],

By Counsel

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

[*counsel name*] [*bar number*]

[*address*]

[*phone number*]

[*email address*]

Counsel for Defendant