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

STATE OF WEST VIRGINIA,

v. [*case number*]

Hon. [*name*]

[*name-all caps*],

 Defendant.

 **MOTION TO CHALLENGE GRAND JURY ARRAY**

On this date came Defendant, [*name*], by [*his/her*] Counsel, [*counsel’s name*], and moved the Honorable Court, pursuant to the provisions of W. Va. Code §§ 52-2-1, *et seq.*, and W. Va. Code, §§ 52-1-1 *et seq.*, and Rule 6(b)(1) of the W. Va. R. Crim. P., to present [*his/her*] challenge to the array of the grand jury.

In support of said motion Defendant states that the grand jury, having not yet been administered the oath, was not selected, drawn, or summoned in accordance with the law, and assigns as grounds the following facts: [*state specific facts and argument for challenge to grand jury array, including sworn statement or affidavit verifying such substantial failure to comply with proper procedure*].

Therefore, Defendant requests that the Honorable Court schedule a hearing in this matter according to W. Va. R. Crim. P. 6(b)(1) to determine the validity of the array.

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

[*defendant*],

By Counsel

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

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

[*address*]

[*phone number*]

[*email address*]

Counsel for Defendant