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

STATE OF WEST VIRGINIA,

v. [*case number*]

Hon. [*name*]

[*name-all caps*],

 Defendant.

**MOTION FOR DEPOSITION OF PROSPECTIVE WITNESS**

On this date comes Defendant, [*name*], by Counsel, [*counsel’s name*], and moves the Honorable Court, pursuant to W. Va. R. Crim. P. 15 and W. Va. T. C. R. 34.01, to order that the testimony of [*witness name*] be taken by deposition.

In support of said motion, Defendant asserts that due to the following exceptional circumstances, it is in the interest of justice that the deposition of [*witness name*] be taken and preserved for use at trial: [*state exceptional circumstances mandating need for deposition*].

Counsel for Defendant further asserts that, in accordance with Rule 34.01, that Counsel has requested a stipulated order from the attorney for the state, which request has been refused.

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

[*defendant*],

By Counsel

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

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

[*address*]

[*phone number*]

[*email address*]

Counsel for Defendant