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

STATE OF WEST VIRGINIA,

v. [*case number*]

Hon. [*name*]

[*name-all caps*],

 Defendant.

 **MOTION TO STRIKE SURPLUSAGE FROM INDICTMENT**

On this date comes Defendant, [*name*], by Counsel, [*name*], and moves this Honorable Court, pursuant to Rule 7(d) of the West Virginia Rules of Criminal Procedure and West Virginia Code, § 62-2-9, as amended, to strike certain surplus language and/or allegations from the text of the indictment.

In support of said motion, Defendant contends that the following constitutes surplusage in the indictment and should be stricken: [*state surplusage sought to be stricken and grounds asserted therefor*].

Therefore, Defendant requests that this Honorable Court strike from the indictment the objected-to language and allegations.

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

[*defendant*],

By Counsel

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

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

[*address*]

[*phone number*]

[*email address*]

Counsel for Defendant