

Magistrates courts criminal practice 2002

Jordans - Judges and Magistrates District 1

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Regina (P) v Barking Magistrates Court: Admn 2002

Default Judgment West Virginia Code 50-4-10 and Rule 10 RCPMC authorize a default judgment procedure if a defendant in a civil action fails to answer the complaint or otherwise notify the court within 20 days of service of process of his intention to contest the action, or within five days of service in matters involving unlawful entry and detainer or wrongful occupation. If the judge decides that no crime was committed or was that the crime was not committed by the accused, the matter does not go to trial.

Criminal Jurisdiction

The commission concluded that France's criminal procedure code violated human rights standards, noting that the examining magistrate combined investigative and judicial powers in a single person. MOTIONS Rule 12 RCPMC provides for pretrial motions and motion practice.

COMMONWEALTH vs. CLERK

The Magistrate Court Rules provide for the order of presentation of evidence, which is consistent with the order of presentation in trial courts, and a party may call as a witness any other party to the action and may examine such party by asking leading questions. If the magistrate refuses to recuse, the party may proceed with a hearing on the merits and appeal the judgment, if adverse, to the circuit court or, in the alternative, may bring a writ of prohibition against the magistrate. Judge Rattenborg graduated from the University of Iowa in 1990 with her bachelor's degree, and earned her law degree from Drake University in 1994.

Magistrate Court Practice

Though the statute is silent on the matter. The clerk-magistrate did not act on the felony application but, instead, scheduled a show cause hearing. APPEALS TO CIRCUIT COURT West Virginia Code 50-5-12 and Rule 18 RCPMC authorizes any party to a final judgment as a matter of right, to appeal to circuit court.

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