

THE GROUNDS FOR RELIEF RAISED IN THE
PETITION ARE SUMMARIZED AS:

1. Ineffective assistance of trial counsel
2. Insufficiency of the evidence
3. Denial of impartial jury
4. Denial of impartial trial judge
5. Sentence was disproportionate to co-defendants
6. Improper closing arguments by prosecutor
7. Evidence of drug usage and other crimes improperly admitted
8. The statement of Cline was taken in violation of his Constitutional right to counsel and should not have been admitted
9. Testimony of Cline unreliable
10. Petitioners custodial statement improperly admitted
11. Jury instructions unconstitutionally shifted burden of proof to the defense: and
12. Ineffective assistance of counsel

IN THE CIRCUIT COURT OF MONONGALIA COUNTY, WEST VIRGINIA
DIVISION 1

STATE OF WEST VIRGINIA, EX REL,
TAMMY SHERRELL WILSON,

Petitioner,

vs.

Civil Action No. 00-461

J.N. LILLER, SUPERINTENDENT OF
PRUNYTOWN CORRECTIONAL CENTER,

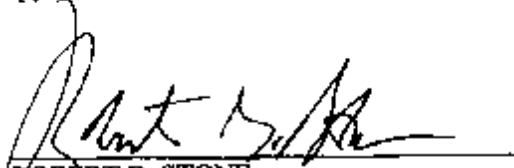
Respondent.

ORDER

By order of this Court dated November 2, 2001, J.N. Liller, Superintendent of Prunytown Correctional Center (the "Respondent"), was ordered to file an answer to the Petitioner's petition on or before January 4, 2002. The Respondent, by her counsel, Stephen R. Dolly, assistant prosecuting attorney of Greenbrier County, requested of this Court an extension for the filing of an answer in this matter. Amber Urtsio Sellaro, counsel for the Petitioner, did not object to the Respondent's request. **ACCORDINGLY**, the Court hereby **ORDERS** as follows:

1. The Respondent's request is hereby **GRANTED**;
2. The Respondent shall have an additional 30 days from January 4, 2002 in which to file an answer;
3. The Clerk of this Court shall forward a copy of this order to counsel of record.

Entered this 14th day of February 2002.

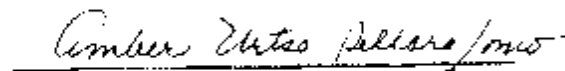


ROBERT B. STONE
Chief Circuit Judge
Seventeenth Judicial Circuit

Order prepared by:


Stephen R. Dolly, State Bar No. 7615
Counsel for Respondent

Order approved by:


Amber Urtsio Sellaro, State Bar No. 6971
Counsel for Petitioner

IN THE CIRCUIT COURT OF MONONGALIA COUNTY, WEST VIRGINIA
Division No. 1

TAMMY SHERRELL WILSON,
Petitioner,

v.

Civil Action No. 00-C-461

J.N. LILLER, Superintendent of
Pruntytown Correctional Center,
Respondent.

MOTION FOR DEFAULT JUDGMENT

Comes now the Petitioner, Tammy Sherrell Wilson, by her counsel, Amber Urtsu Sellaro, and in support of her "Motion for Default Judgment," she states as follows:

1. The Petitioner filed her pro se Petition for Writ of Habeas Corpus with this Court on October 16, 2000.
2. Thereafter, this Court appointed as the Petitioner's counsel Amber Urtsu Sellaro, who filed an Amended Petition on or about October 9, 2001.
3. Although the Respondent's Answer was due on January 4, 2002, an extension was granted between counsel, moving the deadline date to February 4, 2002.
4. After more than a year passed without a response or answer filed by the Respondent, a status conference was held on May 1, 2003. During said status conference, counsel for the Respondent indicated that he could have the response prepared and filed by June 23, 2003. The Court ordered that a response or answer had to be filed by the Respondent by that date. See Status Conference Order.
5. By July 24, 2003, five weeks after the Court-ordered deadline, the Respondent has failed to file a responsive pleading or otherwise defend against the Petitioner's Writ.

FILED

AUG 04 2003

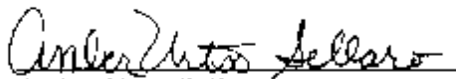
JEAN FRIEND
CIRCUIT CLERK

6. Pursuant to Rule 55 of the West Virginia Rules of Civil Procedure, this Court has the authority and jurisdiction to enter default judgment against the Respondent in this matter.
7. The rights of the Petitioner continue to be negatively affected by the Respondent's inexplicable delay in responding to her Petition.

WHEREFORE, in view of the foregoing, the Petitioner respectfully requests the following relief.

- A. That her original Petition and Amended Petition for Writ of Habeas Corpus be taken as confessed, and that her conviction and sentencing be reversed or that a new trial be scheduled;
- B. In the alternative, that the Court proceed with its review of the Petitioner's various grounds of error and schedule an omnibus hearing upon its completion of the review, and that the Respondent be prohibited from introducing any defenses, assertions, witnesses, or exhibits at the omnibus hearing in this matter;
- C. And that the Petitioner be awarded any other relief that this Court deems just and proper.

TAMMY SHERRELL WILSON,
Petitioner by Counsel


Amber Uriso Sellaro
WV State Bar ID #6971
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Star City, WV 26504-4036
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(304) 599-0075 - fax

**IN THE CIRCUIT COURT OF MONONGALIA COUNTY, WEST VIRGINIA
Division No.1**

TAMMY SHERRELL WILSON,

Petitioner,

v.

Civil Action No. 00-C-461

**J.N. LILLER, Superintendent of
Pruntytown Correctional Center,**

Respondent.

**DEFAULT HEARING ORDER
AND NOTICE OF EVIDENTIARY HEARING**

On August 22, 2003, this matter came on for a hearing upon the Petitioner's "Motion for Default Judgment" before the Honorable Robert H. Stone. The Petitioner, Tammy Sherrell Wilson, appeared in person and with her counsel, Amber Urtsio Sellaro. The Respondent did not appear, neither in person nor by counsel.

Upon review of the Petitioner's request and the statements of counsel, the Court does hereby **ORDER** that *all* issues raised in the Petitioner's Writ and Memorandum in Support may be addressed at an evidentiary hearing scheduled for **Wednesday, December 17, 2003,** beginning at **9:00 a.m.**

Further, the Court does hereby **ORDER** that the Clerk of the Court is directed to provide a copy of this Order to the following individuals:

Stephen R. Dolly, Esq.
Greenbrier County Prosecutor's Office
P.O. Box 911
Lewisburg, WV 24901

Amber Urso Sellaro, Esq.
P.O. Box 4036
Star City, WV 26504-4036

ENTERED: August 25, 2003
Robert B. Stone
The Honorable Robert B. Stone

This Order prepared by:

Amber Urso Sellaro
Amber Urso Sellaro
Counsel for Petitioner

ENTERED Aug. 25, 2003
CIVIL ORDER BOOK 111 PAGE 341
JEAN FRIEND, CLERK ✓