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

STATE OF WEST VIRGINIA,

v. [*case number*]

Hon. [*name*]

[*name-all caps*],

Defendant.

**MOTION FOR BIFURCATED TRIAL REGARDING PRIOR CONVICTIONS**

On this date comes Defendant, [*name*], by Counsel, [*name*], and moves this Honorable Court, pursuant to *State v. Nichols*, 208 W.Va. 432, 541 S.E.2d 310 (1999), for a bifurcated trial with respect to the prior convictions alleged in the indictment in this case.

In support of this motion, Counsel asserts that Defendant intends to contest the existence and/or validity of the prior convictions alleged herein, and that a unitary trial will reveal the existence of these prior offenses to the jury and effectively prohibit Defendant from presenting a defense to the underlying charge herein.

Wherefore, Defendant requests that the Honorable Court schedule a hearing on this motion and, at the conclusion of such hearing, grant the relief requested in the motion herein.

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

[*defendant*],

By Counsel

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

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

[*address*]

[*phone number*]

[*email address*]

Counsel for Defendant