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

STATE OF WEST VIRGINIA,

v. [*case number*]

Hon. [*name*]

[*name-all caps*],

 Defendant.

**MOTION TO EXCLUDE EVIDENCE OF FLIGHT**

On this date comes the Defendant, [*name*], by Counsel, [*name*], and moves the Honorable Court, pursuant to *State v. Payne*, 167 W.Va. 252, 280 S.E.2d 72 (1981), to exclude certain evidence of alleged flight by Defendant herein and for an *in camera* hearing to determine the admissibility of such evidence.

In support of this Motion, Counsel asserts the following: [*state facts and legal argument supporting exclusion of flight evidence*].

Therefore, Defendant requests that the Court schedule a hearing on this Motion and, at the conclusion of said hearing, grant the relief requested in the Motion.

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

[*defendant*],

By Counsel

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

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

[*address*]

[*phone number*]

[*email address*]

Counsel for Defendant