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

STATE OF WEST VIRGINIA,

v. [*case number*]

Hon. [*name*]

[*name-all caps*],

 Defendant.

**MOTION FOR *IN CAMERA* HEARING**

**REGARDING RULE 404(b) EVIDENCE**

On this date comes Defendant, [*name*], by Counsel, [*name*], and, pursuant to Rule 404(b) of the West Virginia Rules of Evidence and Syl. Pt. 2, *State v. McGinnis*, 193 W.Va. 147, 455 S.E.2d 516 (1994), requests that the Court conduct an *in camera* hearing to determine the admissibility of potential Rule 404(b) evidence.

In support of this Motion, Counsel for Defendant asserts that the State of West Virginia intends to present the following evidence at trial: [*state specific nature of 404(b) evidence*].

Defendant asserts that this evidence is the specific type of character evidence prohibited by Rule 404(b). Accordingly, under the mandatory provisions of *State v. McGinnis*, *supra*, and Rule 104(a) of the West Virginia Rules of Evidence, the court must conduct an *in camera* hearing to determine whether such evidence is admissible.

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

[*defendant*],

By Counsel

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

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

[*address*]

[*phone number*]

[*email address*]

Counsel for Defendant