

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT BECKLEY

MARY WEBB, individually, and in
her capacity as Administratrix of the
Estate of Robert A. Webb,

Plaintiffs,

v.

Civil Action No. 5:09-cv-1253
Honorable Irene C. Berger

RALEIGH COUNTY SHERIFF'S DEPARTMENT;
RALEIGH COUNTY COMMISSION;
SHERIFF DANNY MOORE, individually and in his
official capacity; CHIEF DEPUTY STEVE TANNER,
individually and in his official capacity;
DEPUTY GREG S. KADE, individually and in his
official capacity; and DEPUTY JOHN E. HAJASH,
individually and in his official capacity,

Defendants.

**PLAINTIFF'S MOTION IN LIMINE
FOR A JURY VIEW OF THE SCENE OF ROBERT WEBB'S DEATH**

Now come the plaintiff, Mary Webb, individually and in her capacity as Administratrix of the Estate of Robert Webb, by counsel Michael A. Olivio, Travis A. Griffith and the law firm of Olivio & Griffith, PLLC, and moves this Court for an Order in *Limine* for permission to take the Jury to view the site of the death of Robert Webb at 251 Cabell Heights Road, Beckley, WV 25801. Plaintiffs' decedent, Robert Webb, was killed in the early morning hours of July 4, 2006 in the driveway of his home at the aforementioned address by gunfire resonating from two deputies with the Raleigh County Sheriff's Department. Plaintiffs maintains that the deputies in question did not follow proper procedure in approaching Mr. Webb and did not announce their presence prior to firing. Furthermore, Plaintiffs contend that the facts that were ultimately recorded by the Raleigh County Sheriff's Department's internal investigation do not accurately

portray the event of July 4, 2006.

A Jury view is necessary for a just decision of the factual questions involved. Without viewing the scene, the Jury will not appreciate the area where the deputies parked their vehicles, approached under cover of darkness, concealed their presence along the row of bushes in front of the Webb home, and ran up on Robert Webb ultimately taking his life. Moreover, the area where the officers approached and Robert Webb was ultimately killed has not changed since the shooting occurred on July 4, 2006. The bushes are still in front of the house, the garage and shed have been unchanged and, in fact, **Robert Webb's truck has never been moved since the shooting on July 4, 2006.** The bullets fired from Deputy Hajash remain embedded in the shed and garage as well. The viewing itself should not take much of the Court's time as the scene is merely a few miles from Downtown Beckley. A viewing would be very beneficial because it would assist the trier of the fact in understanding the testimony of witnesses.

WHEREFORE, Plaintiff Mary Webb, individually and as Administratrix of the Estate of Robert Webb, respectfully requests that this Court grant her Motion in *Limine* for a Jury View of the Scene of Robert Webb's Death, and for such further relief as this Court deems necessary and appropriate.

MARY WEBB, individually and as
Administratrix of the Estate of Robert Webb

By Counsel

/s/ Travis A. Griffith

Michael A. Olivio (WVSB No. 7923)

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Counsel for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

MARY WEBB, individually, and in
her capacity as Administratrix of the
Estate of Robert A. Webb,

Plaintiffs,

v.

Civil Action No. 5:09-cv-01253
Honorable Irene C. Berger

RALEIGH COUNTY SHERIFF'S DEPARTMENT;
RALEIGH COUNTY COMMISSION;
SHERIFF DANNY MOORE, individually and in his
official capacity; CHIEF DEPUTY STEVE TANNER,
individually and in his official capacity;
DEPUTY GREG S. KADE, individually and in his
official capacity; and DEPUTY JOHN E. HAJASH,
individually and in his official capacity,

Defendants.

CERTIFICATE OF SERVICE

I, Travis A. Griffith, counsel for Plaintiff, Mary Webb, individually, and in her capacity
as Administratrix of the Estate of Robert A. Webb, do hereby certify that a true and exact copy
of the foregoing ***“Plaintiff’s Motion In Limine for a Jury View of the Scene of Robert Webb’s
Death,”*** was made upon the parties listed below by electronic filing this 10th day of November,
2010 to:

Chip E. Williams, Esquire
Pullin Fowler Flanagan Brown & Poe, PLLC
600 Neville Street, Suite 201
Beckley, West Virginia 25801

*Counsel for Raleigh County Sheriff’s Department, Raleigh County
Commission, Sheriff Danny Moore, Chief Deputy Steve Tanner
and Deputy Greg S. Kade*

Kermit J. Moore, Esquire
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P.O. Box 529
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Counsel for Deputy John E. Hajash

/s/ Travis A. Griffith
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