

JOINT PRESS RELEASE

September 6, 2017 – Charleston, WV – Charles Miller, Kanawha County Prosecuting Attorney, has notified Dan Heyman, a local reporter with Public News Service, through his attorneys, Tim DiPiero and lawyers in the Washington, DC law firm of WilmerHale, that the State will be dismissing today the charge it brought against him for his conduct on May 9, 2017, at the West Virginia State Capitol. The State has determined, after a careful review of the facts, that Mr. Heyman’s conduct, while it may have been aggressive journalism, was not unlawful and did not violate the law with which he was charged, that is, willfully disrupting a State governmental process or meeting. Mr. Heyman certainly appreciates the State’s decision and affirmatively states that he was simply doing his job as a reporter by asking questions of a federal official as that official walked through the Capitol.

Contacts:

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Attorneys for Daniel R. Heyman

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**Kanawha County
OFFICE OF THE PROSECUTING ATTORNEY**

301 Virginia Street East
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CHARLES T. MILLER
Prosecuting Attorney

September 6, 2017

J. Timothy Dipiero
Attorney at Law
Post Office Box 1631
Charleston, WV 25326

Re: Daniel Ralph Heyman
17-M20M-04653

Dear Mr. Dipiero:

The State has submitted a dismissal order in above-styled case. The entry of this ORDER will end prosecution in this matter.

Please contact me if you have any questions regarding this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read "Donald P. Morris".

Donald P. Morris,
First Assistant Prosecuting Attorney

IN THE MAGISTRATE COURT OF KANAWHA COUNTY, WEST VIRGINIA

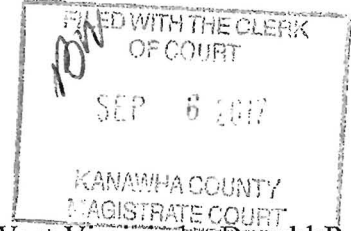
STATE OF WEST VIRGINIA

v.

Case No. 17-M20M-04653

DANIEL RALPH HEYMAN

ORDER



Comes now on the 5th day of September, 2017, the State of West Virginia by Donald P. Morris, Assistant Prosecuting Attorney, in and for Kanawha County, and moves the Court to dismiss the above styled action.

Whereupon, the Court, upon the State's motion and without objection by the defendant does **ORDER**, the matter **DISMISSED** and stricken from the docket.

It is further **ORDERED** that the Clerk send a certified copy of this Order to all counsel of record.

MAGISTRATE COURT
OFFICE OF THE CLERK
KANAWHA COUNTY, WV
A TRUE COPY FROM THE RECORD

ENTER THIS 6 day of September TESTE: M. Edward Cook
CLERK, 2017

[Signature]
MAGISTRATE

PRESENTED BY:

INSPECTED BY:

[Signature]

[Signature]

DONALD P. MORRIS, Assistant
Prosecuting Attorney in and for
Kanawha County, West Virginia
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September 20, 2017

DAN HEYMAN
351 ROCKAWAY ROAD
CHARLESTON, WV 25302

Invoice# 3351 JTD
Our file# 5086 00001
Billing through 09/11/2017

STATE OF WEST VIRGINIA v. HEYMAN

PROFESSIONAL SERVICES

05/09/2017	JTD	TELEPHONE CONFERENCE WITH LARK; TELEPHONE CONFERENCE WITH ACLU; TELEPHONE CONFERENCE WITH MAGISTRATE; GET CLIENT OUT; CONFERENCE WITH CLIENT AND PRESS	6.00 hrs.	2,100.00
05/10/2017	JTD	CONFERENCE WITH CLIENT; TELEPHONE CONFERENCE WITH PRESS; TELEPHONE CONFERENCE WITH CLIENT; TELEPHONE CONFERENCE WITH CLIENT'S BOSS	4.00 hrs.	1,400.00
05/11/2017	JTD	EXCHANGE OF EMAILS; REVISIONS; ATTEND INTERVIEW	4.00 hrs.	1,400.00
05/12/2017	JTD	REVISE OP-ED; EXCHANGED EMAILS	2.00 hrs.	700.00
05/15/2017	JTD	EXCHANGE EMAILS	0.50 hrs.	175.00
05/16/2017	JTD	REVIEW ARTICLE; EXCHANGE EMAILS	0.50 hrs.	175.00
05/19/2017	JTD	PREPARE FOR RADIO SHOW; ATTEND RADIO SHOW; EXCHANGE EMAILS	2.50 hrs.	875.00
05/23/2017	JTD	REVIEW EDITORIAL; CONFERENCE WITH OPPOSING COUNSEL	0.75 hrs.	262.50
05/25/2017	JTD	EXCHANGE EMAILS; TELEPHONE CONFERENCES	1.00 hrs.	350.00
06/01/2017	JTD	TELEPHONE CONFERENCE WITH CLIENT	0.25 hrs.	87.50
06/09/2017	JTD	CONFERENCE WITH OPPOSING COUNSEL	1.00 hrs.	350.00
06/12/2017	JTD	CONFERENCE WITH CLIENT	1.00 hrs.	350.00

06/13/2017	JTD	TELEPHONE CONFERENCE WITH LARK; EXCHANGE EMAILS	1.25 hrs.	437.50
06/21/2017	JTD	TELEPHONE CONFERENCE WITH CLIENT	0.25 hrs.	87.50
06/26/2017	JTD	TELEPHONE CONFERENCE WITH CLIENT; TELEPHONE CONFERENCE WITH LARK	0.50 hrs.	175.00
06/27/2017	JTD	CONFERENCE CALL; EXCHANGE EMAILS; TELEPHONE CONFERENCE WITH CLIENT	1.50 hrs.	525.00
SUBTOTAL - 27.00 HRS @ \$350 =				\$9,450.00
07/13/2017	JTD	TELEPHONE CONFERENCE WITH ATTORNEYS	0.75 hrs.	262.50
07/17/2017	JTD	CONFERENCE CALL WITH CLIENT AND WASHINGTON DC ATTORNEYS	1.00 hrs.	350.00
07/18/2017	JTD	REVIEW POLICE REPORT	0.50 hrs.	175.00
07/21/2017	JTD	TELEPHONE CONFERENCE WITH WASHINGTON DC ATTORNEYS; EXCHANGE EMAIL WITH CLIENT; TELEPHONE CONFERENCE WITH OPPOSING COUNSEL	0.50 hrs.	175.00
07/24/2017	JTD	TELEPHONE CONFERENCE WITH OPPOSING COUNSEL; EXCHANGE EMAILS WITH COUNSEL; EXCHANGE EMAIL WITH OPPOSING COUNSEL	0.35 hrs.	122.50
07/25/2017	JTD	EXCHANGE EMAIL WITH COUNSEL; EXCHANGE EMAIL WITH CLIENTS; EXCHANGE EMAIL WITH OPPOSING COUNSEL	0.35 hrs.	122.50
07/28/2017	JTD	TELEPHONE CONFERENCE WITH ATTORNEYS; PREPARE FOR MEETING	1.50 hrs.	525.00
07/31/2017	JTD	CONFERENCE WITH WASHINGTON DC ATTORNEYS; VISIT CAPITOL; PREPARE FOR MEETING WITH PROSECUTORS; TELEPHONE CONFERENCES WITH WITNESSES; REVIEW EMAILS; PREPARE MOTION TO CONTINUE	6.00 hrs.	2,100.00
08/01/2017	JTD	TELEPHONE CONFERENCE WITH OPPOSING COUNSEL; REVISE	0.50 hrs.	175.00

		PLEADING; EXCHANGE EMAILS WITH WASHINGTON DC ATTORNEYS		
08/03/2017	JTD	EXCHANGE EMAILS WITH COUNSEL	0.25 hrs.	87.50
08/04/2017	JTD	EXCHANGE EMAILS WITH COUNSEL; REVIEW PLEADING	0.25 hrs.	87.50
08/08/2017	JTD	EXCHANGE EMAILS REGARDING PLEADINGS; REVIEW SUMMARIES PREPARED BY YINN	0.25 hrs.	87.50
08/09/2017	JTD	EXCHANGE EMAILS WITH COUNSEL; TELEPHONE CONFERENCE WITH MAGISTRATE COURT	0.25 hrs.	87.50
08/14/2017	JTD	TELEPHONE CONFERENCES WITH MAGISTRATE COURT; EXCHANGE EMAILS WITH COUNSEL AND CLIENT	0.25 hrs.	87.50
08/18/2017	JTD	PICK UP ORDER FROM COURT; EXCHANGE EMAILS WITH COUNSEL	0.25 hrs.	87.50
08/21/2017	JTD	TELEPHONE CONFERENCE WITH OPPOSING COUNSEL; EXCHANGE EMAILS; WALK TO PROSECUTOR'S OFFICE	0.35 hrs.	122.50
08/22/2017	JTD	OBTAIN ORDER; EXCHANGE EMAIL WITH COUNSEL; TELEPHONE CONFERENCE WITH OPPOSING COUNSEL; CONFERENCE CALL	1.00 hrs.	350.00
08/24/2017	JTD	TELEPHONE CONFERENCES WITH OPPOSING COUNSEL; TELEPHONE CONFERENCE WITH WILMERHALE ATTORNEYS; PREPARE EMAILS	1.00 hrs.	350.00
08/28/2017	JTD	PREPARE EMAIL; TELEPHONE CONFERENCE WITH CLIENT; TELEPHONE CONFERENCE WITH OPPOSING COUNSEL; REVIEW EMAILS	1.00 hrs.	350.00
08/30/2017	JTD	TELEPHONE CONFERENCE WITH OPPOSING COUNSEL; EXCHANGE EMAILS WITH ATTORNEYS, LARK AND CLIENT	1.50 hrs.	525.00
08/31/2017	JTD	EXCHANGE EMAIL WITH COUNSEL; EXCHANGE EMAIL WITH CLIENT; EXCHANGE EMAIL WITH OPPOSING COUNSEL	1.25 hrs.	437.50
09/05/2017	JTD	TELEPHONE CONFERENCE WITH MORRIS CONFERENCE WITH DAN; EXCHANGE	1.50 hrs.	525.00

		EMAILS WITH DC ATTORNEYS; TELEPHONE CONFERENCE WITH DC ATTORNEYS		
09/06/2017	JTD	CONFERENCE WITH OPPOSING COUNSEL EMAIL OPPOSING COUNSEL; TELEPHONE CONFERENCE WITH AUSA; CONFERENCE WITH MAGISTRATE TO GET DISMISSAL ORDER SIGNED AND ENTERED; TELEPHONE CONFERENCE WITH PRESS; CONFERENCE WITH CLIENT	5.00 hrs.	1,750.00
09/08/2017	JTD	TELEPHONE CONFERENCE WITH AUSA	.35 hrs.	122.50
09/11/2017	JTD	TELEPHONE CONFERENCE WITH DAN	.15 hrs.	52.50

SUBTOTAL - 26.05 HRS. @ \$350.00 = \$9,117.50

BILLING SUMMARY

TOTAL PROFESSIONAL SERVICES	\$18,567.50
NO CHARGE TO CLIENT	- 13,567.50
REDUCED TO FEE AT	\$ 5,000.00

EXPENSES

09/11/2017	EXPRESS MAIL AND DELIVERIES	18.79
09/11/2017	TRAVEL EXPENSES	30.83
TOTAL EXPENSES INCURRED		\$ 49.62
TOTAL OF BALANCE NOW DUE		----- \$ 5,049.62