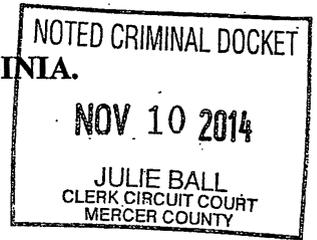


15-0405

IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA.



STATE OF WEST VIRGINIA,

VS.

INDICTMENT NO. 14-F-141-DS

OSCAR COMBS, SR.

ORDER

This matter came on this day for a status hearing. There appearing are the State of West Virginia, by John McGinnis, IV, her Assistant Prosecuting Attorney; the defendant being led to the bar of the Court in the custody of the Sheriff. Also appearing are Michael Cooke, David Kelley, E. Ward Morgan and William O. Huffman.

Whereupon, it is the ORDER and DECREE of this Court that David Kelley and Mike Cooke be relieved as counsel for defendant, and that E. Ward Morgan and William O. Huffman be appointed as counsel for defendant. The defendant moves the Court to relieve William O. Huffman as counsel because he know the name of the victim's sister. The Court grants Mr. Huffman 24 hours to request that he be relieved if he so desires. The Court will allow the investigator, Ted Jones, to remain in the case.

It is the ORDER and DECREE of this Court that the entire jury panel appear for questionnaire on December 8, 2014 at 10:00 a.m. Mr. McGinnis is disqualified from jury duty.

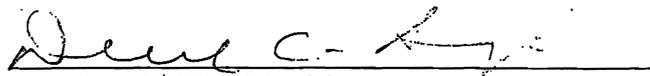
It is the further ORDER and DECREE of this Court that the defense file their motions by November 26, 2014; that the State reply by December 5, 2014; that a pretrial hearing be scheduled for 2:00 p.m.; and that the trial be scheduled for January 6, 2014 at 9:30 a.m.

The Clerk shall forward a copy of this Order to counsel for the defendant.

And the defendant is remanded to the Southern Regional Jail.

Dated this 5th day of November 2014.

ENTER:



DEREK C. SWOPE, JUDGE

IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA

NOTED CRIMINAL DOCKET
FEB 11 2015
JULIE BALL
CLERK CIRCUIT COURT
MERCER COUNTY

STATE OF WEST VIRGINIA,

VS.

INDICTMENT NO. 14-F-141-DS

OSCAR ROSS COMBS, SR.

ORDER

This day came the State of West Virginia, by John McGinnis, IV, her Assistant Prosecuting Attorney, and the defendant, being led to the bar of the Court in the custody of the Sheriff, and his counsel, E. Ward Morgan and Colin Cline.

Thereupon, the defendant moved the Court for an acquittal or in the alternative to arrest judgement on the verdict of the jury, to set aside the same, and grant unto him a new trial, because the verdict is contrary to the law and the evidence; and the Court, after hearing argument of counsel, is of the opinion that the matters and things contained therein are not sufficient in law or fact to set aside the verdict of the jury and grant unto the defendant a new trial, therefore, defendant's motion is hereby denied.

Counsel for defendant renews all trial motions. The Court affirms its previous rulings.

It is the JUDGMENT of the Court that the defendant, Oscar Ross Combs, Sr., is guilty in manner and form of "Murder - First Degree", "Robbery - First Degree" and "Conspiracy" as the jury by its verdict hath found. Thereupon, the Court inquired of the defendant if anything for himself he had or knew to say why the Court here should not now proceed to pronounce judgement against him and nothing being offered or alleged in delay of judgement, it is ORDERED that the said Oscar Ross Combs, Sr. be taken from the bar of this Court to the penitentiary of this State and

therein confined for the remainder of his natural life without the possibility of parole as provided by law for the offense of "Murder – First Degree" as the State in Count 1 of its Indictment herein hath alleged and by the jury hath found; that he be further confined for the determinate term of eighty(80) years as provided by law for the offense of "Robbery – First Degree" as the State in Count 2 of its Indictment herein hath alleged and by a jury hath found; and for the indeterminate term of not less than one (1) nor more than five (5) years as provided by law for the offense of "Conspiracy" as the State in Count 3 of its Indictment herein hath alleged and by the jury hath found; that these sentences run consecutively with one another; that defendant be given credit for 450 days on said sentence for which he has served in jail; and that he be otherwise dealt with in accordance with the rules and regulations of that institution and the laws of the State of West Virginia.

It is further ORDERED that defendant pay all court costs in this matter.

Thereupon, the Court advised the defendant of his right to appeal said conviction, and appoints E. Ward Morgan and Colin Cline as counsel for appeal purposes and that the court reporter prepare transcripts of the court proceedings.

And the defendant is remanded to the Southern Regional Jail.

Dated this 4th day of February 2015.

ENTER:


DEREK C. SWOPE, JUDGE

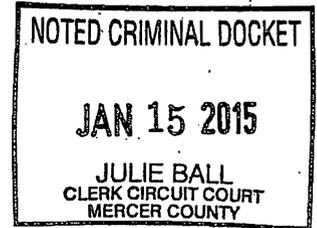
IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA.

STATE OF WEST VIRGINIA,

VS.

INDICTMENT NO. 14-F-141-DS

OSCAR COMBS, SR.



ORDER

This matter came on this day for the continuance of the trial, there appearing are the State of West Virginia by Scott A. Ash, her Prosecuting Attorney, and John McGinnis, IV, her Assistant Prosecuting Attorney; and the defendant, in person and by counsel, E. Ward Morgan and Colin Cline.

The Court notes defendant has been provided with a hearing device.

Thereupon, the jury impaneled and sworn for the trial of this case and adjourned over on January 7, 2015, appeared into Court pursuant to their adjournment and were subsequently transported, along with the defendant, his counsel, the presiding Judge, the Prosecuting Attorney, Assistant Prosecuting Attorney, the court reporter and all other officers of the Court required to be in attendance, to the premises where the crime charged is alleged to have been committed so that they may view the same.

After returning to the courtroom, the State rested its case. Counsel for defendant advises it will rest without presenting evidence and moved the Court for a judgement of acquittal. After due consideration of the arguments made, the Court DENIED defendant's motion.

Thereupon, the jury listened to instructions given by the Court and closing arguments made by counsel. Thereafter, the jury retired to their room to consider their verdict.

Sometime thereafter, the jury returned with the following verdicts:

Count 1: Guilty of "First Degree Murder without Mercy"

Count 2: Guilty of "First Degree Robbery"

Count 3: Guilty of "Conspiracy"

The jury was polled and answered in the affirmative as to whether or not this was their verdict.

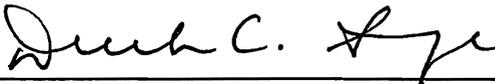
The Court schedules this matter for hearing upon the defendant's motion for new trial and disposition on February 4, 2015 at 1/15 p.m.

And the defendant is remanded to the Southern Regional Jail.

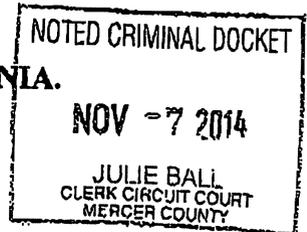
The Clerk is directed to forward a copy of this Order to counsel for the defendant and the probation department.

Dated this 8th day of January 2015.

ENTER:


DEREK C. SWOPE, JUDGE

IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA.



STATE OF WEST VIRGINIA,

VS.

INDICTMENT NO. 14-F-141-DS.

OSCAR COMBS, SR.

ORDER

This matter came on this day for a hearing upon various motions. There appearing are the State of West Virginia, by Scott A. Ash, her Prosecuting Attorney, and John McGinnis, IV, her Assistant Prosecuting Attorney; the defendant being led to the bar of the Court in the custody of the Sheriff, and counsel for defendant, David Kelley and Michael Cooke.

After due consideration of defendant's Motion to Dismiss Indictment and arguments made by counsel, the Court FINDS the Grand Jury heard sufficient evidence to return an indictment charging defendant with murder, robbery and conspiracy; therefore, the Court DENIES defendant's motion.

After due consideration of the evidence presented regarding defendant's Motion for a Change of Venue, the Court advises it may do a special interrogatory as to venue.

Upon inquiry by the Court, counsel for defendant advises that the venue survey report is not ready. The Court advises it will direct the Clerk to bring all five jury panels in on the morning of November 3, 2014.

Counsel for defendant moves the Court to exclude testimony barred by spousal community privilege; the Court advises it will entertain such motion on November 3, 2014.

Counsel for defendant advises the Court that defendant desires to appear before the February 2015 Grand Jury regarding police abuse and to represent himself. The Court reviews law and will allow defendant to appear before the February 2015 Grand Jury. The Court

explains grand jury testimony and the possible downside to a defendant voluntarily appearing before a grand jury and the risks of self representation.

The Clerk shall forward a copy of this Order to counsel for the defendant.

And the defendant is remanded to the Southern Regional Jail.

Dated this 30th day of October 2014.

ENTER:


DEREK C. SWOPE, JUDGE

IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA.

NOTED CRIMINAL DOCKET
NOV - 6 2014
JULIE BALL CLERK CIRCUIT COURT MERCER COUNTY

STATE OF WEST VIRGINIA,

VS.

INDICTMENT NO. 14-F-141-DS

OSCAR COMBS, SR.

ORDER

This matter came on this day for a hearing upon defendant's motions. There appearing are the State of West Virginia, by John McGinnis, IV, her Assistant Prosecuting Attorney; the defendant being led to the bar of the Court in the custody of the Sheriff, and counsel for defendant, David Kelley and Michael Cooke.

Whereupon, the Court advises that defendant's motion to disqualify this Court has been denied by the West Virginia Supreme Court of Appeals.

Upon inquiry by the Court, the State advises it is not seeking to present any 404(b) evidence. The parties further advise the Court that discovery has been satisfied with the exception of the State's witness list. It is the ORDER and DECREE of this Court that the State disclose its written witness list to the defense by September 12, 2014.

After due consideration of defendant's Motion for a Change of Venue and the arguments made by counsel, the Court DENIES said motion at this time, but will hear testimony from defendant's expert witness and review the jury questionnaires tendered to the Court by the defense. The Court GRANTS defendant leave to renew its motion if it is determined that a jury cannot be selected based on pre-trial publicity. The Court directs the Clerk to call all five jury groups for the trial.

After due consideration of defendant's Motion to Suppress Evidence, the evidence presented and arguments made by counsel, the Court FINDS the .22 caliber long rifle RE-23 six

shot revolver admissible as evidence. The State advises it does not intend to proffer the .22 caliber long rifle Sterling semi-automatic pistol as evidence as it is not relevant.

With regard to defendant's Motion to Suppress Search Warrant, the State advises it does not intend to use any of the evidence seized from the defendant's home. Therefore, the Court suppresses said evidence.

After due consideration of defendant's Motion to Suppress Statement(s) of Defendant, the evidence presented and arguments made by counsel, the Court DENIES defendant's motion to suppress his statement.

After due consideration of defendant's Motion in Limine, the Court FINDS and ORDERS as follows:

1. That the West Virginia State Police Crime Scene Processing Report completed by Trooper C. M. Wade, on April 22, 2011, and any and all references thereto are inadmissible at trial;
2. That all photographs of the crime scene taken by Trooper First Class P. H. Shrewsbury on April 22, 2011, are admissible at trial;
3. That the gray sweatshirt found and secured by the Crime Scene Response Team approximately 59 feet south of the victim's body on April 22, 2011, and any and all references thereto are inadmissible at trial;
4. That the one (1) small caliber partial bullet recovered from the victim's head by the State Medical Examiner's Office is admissible at trial;
5. That the Forensic Laboratory Case Submission Report Form No. 53 completed by Corporal A.S. Reed, including Exhibit F, the fired bullet, are inadmissible at trial;
6. That the West Virginia State Police Forensic Laboratory report marked Lab Case No. 1103751 conducted by Firearm/Tool Mark Examiner Calissa N. Carper is admissible;
7. That the Office of Chief Medical Examiner's evidence receipt and release record releasing property collected from the victim's body during autopsy and all collected property and references thereto are inadmissible at trial;

8. That the State of West Virginia Office of the Chief Medical Examiner Autopsy Report of the victim conducted by Doctor Nabila Haikal on April 23, 2011 and all reference thereto are inadmissible;
9. That the Ntelos cellular phone records between March 15, 2011 and April 13, 2011, for the phone belonging to the victim and all references thereto are inadmissible;
10. That the handwritten statement(s) of Tommy Joe Thomas taken on April 22, 2011, at 1805 hours by Corporal Z. MN. Duke regarding his discovery of the victim's body and all references thereto are inadmissible;
11. That the West Virginia State Police Polygraph Report(s) conducted by Trooper First Class R. R. Richards on Tommy Joe Thomas on April 27, 2011, and any and all references thereto are inadmissible at trial;
12. That the Forensic Laboratory Case Submission Report DPS Form No. 53 completed by Corporal A. S. Reed and submitted to the Forensic Laboratory and Exhibit TT are admissible at trial;
13. That the one (1) spent round taken from a forensic test fire from a .22 caliber rifle recovered from the residence of John Mullins and all references thereto are inadmissible;
14. That the unknown-make cellular smart phone wrapped in camouflage tape containing the recording of Linda Combs' discussion with Fred Shrewsbury and Kale Holhouser implicating Oscar Ross Combs, Jr. and Oscar Ross Combs, Sr. in the involvement in the murder of James Butler and all references thereto are inadmissible;
15. That all recordings of conversations between Fred Shrewsbury and Linda Combs in which Ms. Combs implicates Oscar Ross Combs, Jr. And Oscar Ross Combs, Sr. in the involvement in the murder of James Butler and all references thereto are inadmissible;
16. That the Search Warrant, Affidavit of Search Warrant and Property Receipt of the property collected during the search of the residence of the accused individuals on November 11, 2014 and all references thereto are inadmissible at trial;
17. That the Property Disposition Report completed by Corporal A. S. Reed and signed by Melvin Colbird upon the recovery of the firearm suspected as the murder weapon used to kill James Butler and all references thereto are inadmissible;
18. That the DPS Form No. 79 Intereview and Miranda Rights Form read, initialed and signed by Oscar Ross Combs, Jr. on November 7, 2013 at 1400 hours, the

- statements made by Oscar Ross Combs, Jr. and all references thereto are inadmissible;
19. That the DPS Form No. 79 Interview and Miranda Rights Form read, initialed and signed by Linda Combs on November 12, 2013 at 1852 hours, the statements made by Linda Combs and all references thereto are inadmissible;
 20. That the DPS Form No. 79 Interview and Moranda Rights Form read, initialed and signed by Oscar Ross Combs, Jr. on November 12, 2013, at 1004 hours, the statements made by Oscar Ross Combs, Jr. and all references thereto are inadmissible;
 21. That the DPS Form No. 79 Interview and Miranda Rights Form read, initialed and signed by Linda Combs on November 20, 2013 at 1212 hours, the statements made by Linda Combs and all references thereto are inadmissible;
 22. That the DPS Form No. 79 Interview and Moranda Rights Form read, initialed and signed by Oscar Ross Combs, Jr. on November 11, 2013, at 1606 hours, prior to making a statement while assisting officers in the search warrant to Corporal A. S. Reed and any references thereto are inadmissible;
 23. That the .22 caliber long rifle RE-23 shot revolver, painted black and bearing serial number 1586667 is admissible;
 24. That the .22 caliber long rifle Sterling semi-automatic pistol, painted black and red and all references thereto are inadmissible;
 25. That the West Virginia State Police Forensic Laboratory Report dated December 10, 2013, Lab Case Number 1103751, Reference Number S11-424-S13-460, conducted by Forensic Analyst David W. Miller and all references thereto are inadmissible;
 26. That the West Virginia State Police Forensic Laboratory Report dated December 13, 2013, Lab Case Number 1103751, Reference Number S13-479, conducted by Forensic Analyst Koren K. Powers and all references thereto are inadmissible;
 27. That the West Virginia State Police Forensic Laboratory Report dated April 26, 2012, Lab Case No. 1103751, Section ID No. F11-167 conducted by Firearms/Tool Mark Examiner Calissa N. Carper is admissible;
 28. That the West Virginia State Police Forensic Laboratory Report dated December 31, 2013, Lab Case No. 1103751, Section ID No. L13-896, conducted by Forensic Analyst, Stephen C. King, and all references thereto are inadmissible;
 29. That the West Virginia State Police Forensic Laboratory Report dated March 4, 2014, Lab Case No. 1103751, Reference No. F11-167 conducted by Forensic Analyst Calissa N. Carper is admissible;

30. That the one (1) set of documents provided to Corporal A. S. Reed by Recycle West Virginia showing Oscar Ross Combs, Jr. And Oscar Ross Combs, Sr.'s activity at said company is admissible;
31. That LETC Form No. 1 Vehicle Search Consent Form completed by Corporal A. S. Reed and signed by Oscar Ross Combs on November 11, 2013 allowing officers to search his 1996 Jeep Cherokee bearing West Virginia Registration 3TC949 and any and all referenced thereto are inadmissible;
32. That the modified plastic bed liner for small pickup truck believed to have belonged to the victim and recovered from Rick Wall and all references thereto are inadmissible;
33. That any and all recorded and written statements and/or interviews of Linda Combs regarding Teresa Ford dated November 6, 2013, and all references thereto are inadmissible;
34. That any and all recorded and written statements and/or interviews of Linda Combs regarding James Butler dated November 6, 2013, and all references thereto are inadmissible;
35. That any and all recorded and written statements and/or interviews of Linda Combs regarding James Butler dated November 12, 2013, and all references thereto are inadmissible;
36. That any and all recorded and written statements and/or interviews of Linda Combs regarding James Butler dated November 20, 2013, and all references thereto are inadmissible;
37. That any and all recorded and written statements and/or interviews of Oscar Ross Combs, Jr. regarding Teresa Ford dated November 7, 2013, and all references thereto are inadmissible;
38. That any and all recorded and written statements and/or interviews of Oscar Ross Combs, Jr. regarding James Butler dated November 7, 2013, and all references thereto are inadmissible;
39. That any and all recorded and written statements and/or interviews of Oscar Ross Combs, Jr. regarding James Butler dated November 12, 2013, and all references thereto are inadmissible;
40. That any and all recorded and written statements and/or interviews of Oscar Ross Combs, Jr. regarding James Butler dated November 12, 2013, (second interview on this date) and all references thereto are inadmissible;
41. That any and all recorded and written statements and/or interviews of Oscar Ross

- Combs, Jr. Taken by Sergeant Aaron Maddy and Corporal C.I. Fields dated April 13, 2014, and all references thereto are inadmissible;
42. That any and all recorded and written statements and/or interviews of Melvin and Carolyn Colbird regarding the recovery of the suspected murder weapon dated November 7, 2013, and all references thereto are inadmissible;
 43. That any and all recorded and written statements and/or interviews of Carolyn Thomas taken by Trooper A. K. Lucas regarding the recovery of a .22 caliber Sterling semi-automatic pistol dated November 22, 2013, and all references thereto are inadmissible;
 44. That any and all recorded and written statements and/or interviews of Carrie Thomas taken by Trooper A. K. Lucas regarding the recovery of .22 caliber Sterling semi-automatic pistol dated November 22, 2013, and all references thereto are inadmissible;
 45. That any and all recorded and written statements and/or interviews of Richard Wall, Sr. taken by Trooper A. K. Lucas regarding the recovery of a plastic truck bed liner from Mr. Walls, who received same from Oscar Ross Combs, Jr. dated November 21, 2013, and all references thereto are inadmissible;
 46. That any and all recorded and written statements and/or interviews of James Combs, conducted by forensic interviewer, Tim Vickers, dated January 23, 2014, and all references thereto are inadmissible;
 47. That any and all recorded and written statements and/or interviews of Linda Michelle Jackson taken by Sergeant Aaron Maddy and Corporal C. I. Fields dated April 28, 2014, and all references thereto are inadmissible;
 48. That any and all recorded and written statements and/or interviews of Jennifer Arnott, taken by Sergeant Aaron Maddy and Corporal C. I. Fields dated April 7, 2014, and all references thereto are inadmissible;
 49. That any and all recorded and written statements and/or interviews of Lonnie R. Shrewsbury taken by Sergeant Aaron Maddy and Corporal C. I. Fields dated March 6, 2014, and all references thereto are inadmissible;
 50. That any and all recordings and/or transcriptions of telephone conversations of Oscar Ross Combs, Jr. while incarcerated at the Southern Regional Jail and all references thereto are inadmissible;
 51. That any and all recordings and/or transcriptions of telephone conversations of Oscar Ross Combs, Sr. while incarcerated at the Southern Regional Jail are admissible;

52. That the West Virginia Division of Motor Vehicles Registration and title search history of vehicles belonging to Oscar Ross Combs, Sr. and/or Oscar Ross Combs, Jr., as well as all references are inadmissible;
53. That any and all references to the investigation and statements, as well as tangible items regarding Teresa Ford are inadmissible.

The Clerk shall forward a copy of this Order to counsel for the defendant.

And the defendant is remanded to the Southern Regional Jail.

Dated this 4th day of September 2014.

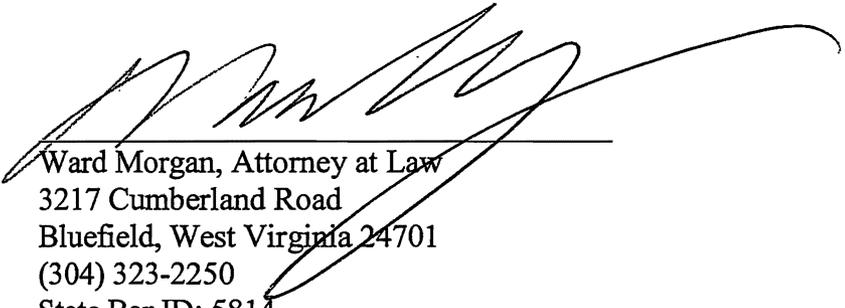
ENTER:



DEREK C. SWOPE, JUDGE

CERTIFICATE OF SERVICE

I, Ward Morgan, counsel for Defendant, do hereby certify that I have served a true copy of the foregoing **"Notice of Intent to Appeal"** upon John McGinnis, Esquire, Office of the Prosecuting Attorney, 120 Scott Street, Princeton, West Virginia 24740, by mailing same to him United States mail, postage prepaid, on this the 28th day of April, 2015.



Ward Morgan, Attorney at Law
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Bluefield, West Virginia 24701
(304) 323-2250
State Bar ID: 5814