

35739

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

vs.

Criminal Action #08-F-35

2009 DEC -2 AM 10:08

ANTHONY CHARLES JUNTILLA,

DOB 8/15/1969
SS# 225-37-9145

Defendant.

AGREED RE-SENTENCING ORDER

THIS MATTER comes on before the Court upon the papers and proceedings previously read and had herein; upon the Motion of the Defendant, Anthony Charles Juntilla, for re-sentencing in this matter; upon the prior Sentencing Order of the Court dated the 27th day of October, 2008; upon the appearance of the State of West Virginia by Christopher C. Quasebarth, Chief Deputy Prosecuting Attorney for Berkeley County, West Virginia, in substitution for Pamela Games-Neely, Esq., Prosecuting Attorney for Berkeley County, West Virginia; and upon the appearance of the Defendant, by counsel, B. Craig Manford, Esq.

It appearing to the Court that the Defendant was, at a trial concluding **September 5, 2008**, found guilty by a jury of his peers of: Murder In The First Degree, the felony offense charged in **Count 1** of the Indictment; Sexual Assault In The First Degree, the felony charged in **Count 3**, and; Conspiracy To Commit The Offense Of Sexual Assault, the felony charged in **Count 5**, and was adjudged convicted of said offenses.

12-2-09
cc:
PA
Manford
DOC
Berkeley

It further appearing to the Court that a pre-sentence investigation and report was prepared in the matter and that on October 27, 2008, post-trial motions were heard and denied by the Court. On that same date, the Court reviewed the pre-sentence report, heard the testimony of witnesses on behalf

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of the State and the Defendant, the arguments of counsel, the statement of the Defendant, and heard several representatives of the deceased victim. The Defendant was thereafter immediately sentenced to life imprisonment upon his conviction for murder in the first degree without parole eligibility; to confinement in the penitentiary for not less than fifteen nor more than thirty-five years upon his conviction for sexual assault in the first degree; and to confinement in the penitentiary for not less than one nor more than five years upon his conviction for felony conspiracy, with all sentences to be served consecutively.

It further appearing to the Court that an appeal in this matter was not timely filed and that counsel for the Defendant now seeks to have the Defendant re-sentenced so that a Petition for Appeal may still be filed on the Defendant's behalf.

Whereupon the Court inquired of the State of West Virginia who stated it had no objection to the relief requested.

Accordingly, the Court finds good cause to grant the relief so requested and hereby GRANTS the same, incorporating the Court's prior Sentencing Order of October 27, 2008, *verbatim*, and more particularly as follows below.

Finding no cause which would preclude Sentencing, and having heard all submissions with regard to the Pre-Sentence Report and the appropriate Sentence, and the Court being fully informed of the circumstances surrounding the charges, ACCORDINGLY:

IT IS THE SENTENCE OF THE LAW

AND THE JUDGEMENT OF THIS COURT:

—Upon conviction for the felony of Murder In The First Degree, being Count 1 of Indictment, that the Defendant be confined at the penitentiary house of this State FOR AND DURING THE

REMAINDER OF HIS NATURAL LIFE, there to be dealt with according to law, **AND**, as the Jury chose not to add mercy to its verdict, he **SHALL NOT BE ELIGIBLE FOR PAROLE**.

--Upon conviction for the felony of Sexual Assault In The First Degree, being Count 3 of Indictment, that the Defendant be confined at the penitentiary house of this State for not less than FIFTEEN (15) YEARS nor more than THIRTY-FIVE (35) YEARS, there to be dealt with according to law.

--Upon conviction for the felony of Conspiracy To Commit The Offense Of Sexual Assault, being Count 5 of Indictment, that the Defendant be confined at the penitentiary house of this State for not less than ONE (1) YEAR nor more than FIVE (5) YEARS, there to be dealt with according to law.

The above sentences shall be served consecutively and shall comprise an effective sentence of Life without parole plus an additional sentence of not less than sixteen (16) nor more than forty (40) years.

The State shall recover of the Defendant its costs in this behalf expended. The Defendant is entitled to a credit for time he has served against his sentence since June 23, 2007.

It is further Ordered that the Defendant pay **ONE THOUSAND, THREE HUNDRED and TWENTY SIX (\$1,326.00) DOLLARS** as restitution, a joint & several liability with his co-defendant Fred Douty, to the representatives of his victim **Tina Starcher, for the expense of her burial**. The Court requests that the Division of Corrections extract from any prison income the Defendant might earn monies to fund this restitution which shall be paid through the Clerk of this Court pursuant to W Va Code 25-1-3c, as directed by this Court's Probation Office. Mr. Michael Underwood is the victim's representative, but if he should pre-decease the Defendant while any

restitution remains owing, the remainder shall be paid to the next established living representative.

It is further ORDERED that the Defendant is remanded to the Commissioner of the Division of Corrections to begin serving the sentence herein imposed. Until such time that a representative of the Division of Corrections takes custody of the Defendant, he is remanded to the temporary custody of the Superintendent of the Eastern Regional Jail, per diem cost associated with the Defendant's custody shall be paid solely by the Division of Corrections from the date of this Order.

| | | |
|-----------------------------------|-----------------|-------------|
| DATE OF CONVICTION: | September 5, | 2008 |
| DATE OF SENTENCING | October 27, | 2008 |
| EFFECTIVE DATE OF SENTENCE | June 23, | 2007 |

The objection of the Defendant to any and all adverse rulings of the Court is noted.

The Clerk shall enter the foregoing as for the date first above written and shall forward attested copies to all counsel of record and to the Commissioner of the Department/Division of Corrections. The Clerk shall then retire this matter from the docket, placing it among causes ended and report the matter as disposed.

Entered this 11th day of December, 2009.

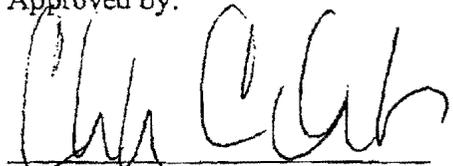


JUDGE OF THE CIRCUIT COURT OF
BERKELEY COUNTY, WEST VIRGINIA
THE HON. GINA M. GROH

Prepared by:


B. Craig Manfred, Esq.
Counsel for Defendant

Approved by:


Christopher C. Quasebarth, Esq.
Chief Deputy Prosecuting Attorney