

35448

IN THE CIRCUIT COURT OF WIRT COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

Plaintiff,

vs.

// CASE NO: 08-F-8

HOWARD KENNETH MURRAY,

Defendant.

ENTERED

CR 1m
08 NO. 15
PAGE 15ORDER

On this 21st day of April, 2009, came the State of West Virginia by Leslie Maze, Prosecuting Attorney in and for Wirt County, West Virginia, Blair Tallman, Probation Officer and the Defendant, in custody, and accompanied by his attorney, Joseph W. McFarland, Jr.

Whereupon, Defendant made a Motion for New Trial, which motion is hereby denied.

The Court having asked the Defendant, Defendant's attorney and the attorney for the State whether they had anything to say why the Court should not now proceed to pronounce sentence upon him according to law and nothing being offered or alleged in delay of sentence, it is, therefore, ADJUDGED that the Defendant is guilty upon a finding of guilt by a jury to the offense of First Degree Murder, a felony, as charged in Count Five; Burglary, a felony, as charged in Count One; Battery, a misdemeanor, as charged in Count Two and Count Three; and Destruction of Property, a misdemeanor, as charged in Count Six of the Indictment.

FILED
Circuit Court
Date 4/24/09
CLERK TR

Thereupon, the Court, before imposing sentence, determined that the Defendant and his counsel have had the opportunity to read and discuss the pre-sentence investigation report submitted by the Probation Officer, which is made available pursuant to the West Virginia Rules of Criminal Procedure, afforded the Defendant and his attorney the opportunity to speak on behalf of the Defendant and asked the Defendant personally if he wished to make a statement on his own behalf and to present any information in mitigation of punishment and the attorney for the State having also been given an equivalent opportunity to speak to the Court, upon consideration thereof, it is ADJUDGED and ORDERED that the Defendant, HOWARD KENNETH MURRAY, be committed to the custody of the Regional Jail Authority for incarceration in the North Central Regional Jail for a term and period of one (1) year on Count Two, said sentence to begin as of April 21, 2009, with credit of 305 days; for a term and period of one (1) year on Count Three, with credit of 305 days; and for a term and period of one (1) year on Count Six, with credit of 305 days, said sentences to run concurrently; and that the Defendant be committed to the custody of the West Virginia Division of Corrections for imprisonment for a term and period of not less than one (1) year nor more than fifteen (15) years on Count One, with credit of 135 days, said sentence to run consecutively with Counts Two, Three and Six; and for a term and period of Life, with mercy, on Count Five, with zero days credit, said sentence to run consecutively with Counts Two, Three, Six and One, and in all things dealt with as the law directs.

It is further ORDERED that the North Central Regional Jail or their authorized

agent and/or the West Virginia Division of Corrections shall perform DNA Identification Testing on the Defendant prior to his release from incarceration, such testing being mandated by State law for the offense upon which the Defendant has been convicted.

It is further ORDERED that the Defendant shall pay to the Clerk of this Court, within one year after his release from confinement, the costs of his arrest and conviction; which said costs are as follows: Clerk's Fee - \$105.00; Felony Docket Fee- \$35.00; Court Reporter's Fee - \$30.00; Crime Victim's Reparation Fund - \$100.00; Community Corrections Account - \$10.00; Community Corrections Fund - \$50.00; Law Enforcement Training Fund - \$2.00; and such attorney fees as may be allowed by the Court and paid to Defendant's counsel.

It is further ORDERED that the Defendant shall make restitution to Philip Shears, Route 3, Box 178, Elizabeth, WV 26143, in the amount of \$1,370.00, less any amounts paid by the co-defendants, and that judgment be entered in favor of Philip Shears and against the Defendant for said amount.

Whereupon, the Court advised and informed the Defendant of his right to appeal this sentence to the West Virginia Supreme Court of Appeals and the right to employ an attorney to represent him for legal assistance in making such appeal, and that if the Defendant did not have available finances and means to employ such an attorney, an attorney would be appointed by the Court to represent the Defendant in making such appeal, and a transcript of the proceedings will be provided to the Defendant without charge if he is unable to afford the cost of such transcript.

Thereupon, the Defendant is remanded to the custody of the Regional Jail Authority at the North Central Regional Jail to begin serving the sentence heretofore imposed.

ENTER: April 23, 2009



ROBERT A. WATERS, JUDGE

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

HOWARD KENNETH MURRY
PETITIONER

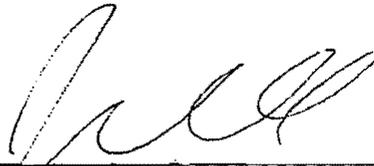
V

Supreme Court Case # _____
Wirt County Circuit Court Case # 08-F-08

STATE OF WEST VIRGINIA
RESPONDANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he did on the 13th day of October, 2009, he served a copy of this Docketing Statement upon Leslie Maze, Wirt County Prosecuting Attorney, by first class mail addressed to her office address of P.O. Box 387, Elizabeth, West Virginia, 26143 and by facsimile directed to (304) 275-3759



Defendant, Howard Kenneth Murry
By counsel, Joseph W. McFarland, Jr.
3312 Juliana Street
Parkersburg W. Va. 26101
(304) 615-5654 Fax (866) 524-2851
West Virginia Bar ID # 4957