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FILED

IN THE CIRCUIT COURT OF JACKSON COUNTY  
STATE OF WEST VIRGINIA

FEB 5 2010

RORY L. PERRY, II, CLERK  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA

2009 JAN - 2 A 10 29

RECORDED

KEITH BROTHERTON  
JACKSON COUNTY  
CIRCUIT CLERK  
RIPLEY, WV 25271

STATE OF WEST VIRGINIA,

Plaintiff,

VS.

CRIMINAL CASE NO.: 08-F-10  
THOMAS C. EVANS, III, JUDGE

LARRY S. WHITE, II,

Defendant.

ORDER

On this the 22nd day of December 2008, came the State by Shannon L. Baldwin, Prosecuting Attorney, in and for this County and State, and the Defendant, in person, and by counsel, Jeremy Vickers and Matthew L. Clark, for post-trial motions and sentencing.

Counsel for Defendant filed a motion for new trial. After argument of counsel and for reasons stated on the record, the Court DENIED Defendant's Motion for New Trial. Defendant's exception was noted and saved on the record. The Court then ADJUDGED the Defendant guilty of first degree murder and conspiracy to commit a felony.

The Court then afforded counsel for the Defendant the opportunity to speak on behalf of the Defendant and addressed the Defendant personally and asked him if he wished to make a statement in his own behalf and/or to present any information in mitigation of punishment. The Court also heard from the State of West Virginia.

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The Court also afforded a representative of the victim's family to address the Court.

Thereafter, the Court did proceed to pronounce the sentence of the law against him, and nothing being offered or alleged in delay of judgment, the Court sentences the Defendant as follows:

For the offense of **First Degree Murder**, the Defendant is committed to the custody of the Commissioner of the West Virginia Department of Corrections for confinement in the penitentiary for **life with mercy**, therein to be safely kept and treated in all respects in accordance with the law. It is ORDERED that Defendant be given credit for time served in connection with this offense.

For the offense of **Conspiracy to Commit a Felony**, the Defendant is committed to the custody of the Commissioner of the West Virginia Department of Corrections for confinement in the penitentiary for not less than one year nor more than five years therein to be safely kept and treated in all respects in accordance with the law.

It is further ORDERED that said sentences are to <sup>be served</sup> run consecutively. (TLC)

The Court then advised the Defendant of his right to appeal including his right to an attorney, and ORDERED that the Circuit Clerk furnish the Defendant with a written statement of his post-conviction rights.

The Defendant is remanded into the custody of the Department of Corrections.

The Clerk of this Court shall send attested copies of this Order to (1) Shannon L. Baldwin, Prosecuting Attorney; (2) Jeremy Vickers, counsel for the Defendant; (3)

Matthew L. Clark; (4) Sheriff of Jackson County; (5) South Central Regional Jail; and (6) Department of Corrections.

All of which is, accordingly, ORDERED.

ENTERED this 2<sup>nd</sup> day of Jan. '09 ~~December, 2008.~~

Thomas C. Evans III  
Thomas C. Evans, III, Judge

PREPARED BY:

Shannon L. Baldwin  
Shannon L. Baldwin  
Prosecuting Attorney  
West Virginia State Bar # 7975

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JACKSON COUNTY  
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ENTERED THE 2nd DAY OF

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ORDER BOOK 116 . PAGE

29  
Keith Brotherton  
CLERK CIRCUIT COURT

A TRUE COPY, CERTIFIED THIS THE

JAN - 2 2009

Keith Brotherton  
CLERK CIRCUIT COURT  
OF JACKSON COUNTY, WEST VIRGINIA