

35691

IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

Plaintiff,

vs.

08-F-91

DAVID WAYNE KAUFMAN,

Defendant.

ENTERED  
O.B. No. 247  
PAGE 174  
MAR 24 2009  
CAROLE JONES  
CLERK CIRCUIT COURT

ORDER

DAVID WAYNE KAUFMAN, who stands before this Court on Criminal Case Number 08-F-91, this 27<sup>th</sup> day of February 2009, appeared at the bar of this Court in custody and by his attorney, George Cosenza and also appeared the State of West Virginia by Jason A. Wharton, Wood County Prosecuting Attorney, and Patrick O. Lefebure, Assistant Prosecuting Attorney.

Whereupon, the jury again appeared pursuant to their adjournment of February 26, 2009.

Whereupon, the jurors appeared to consider the issue of mercy or no mercy on the First Degree Murder conviction.

Witnesses are sworn and evidence is heard. The jurors retired to their room to consider of their verdict, and began deliberation and after a time returned to open Court and upon their oaths said: "We, the Jury, having found the Defendant, **DAVID WAYNE KAUFMAN** guilty of Murder in the First Degree, we the jury do not add a recommendation of mercy to that verdict" which said verdict is hereby **ORDERED** recorded and the jury is adjourned and discharged.

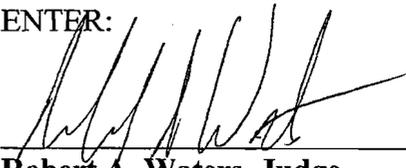
Whereupon, sentencing on this matter shall be set for April 27, 2009 at 9:00 a.m. at which time all parties shall appear.

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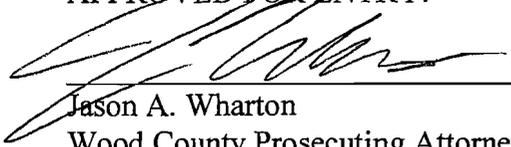
Whereupon, the Defendant is remanded to custody.

Entered this 23<sup>rd</sup> day of March 2009.

ENTER:

  
\_\_\_\_\_  
Robert A. Waters, Judge

APPROVED FOR ENTRY:

  
\_\_\_\_\_  
Jason A. Wharton  
Wood County Prosecuting Attorney  
WVSB# 7810