

35680

IN THE CIRCUIT COURT OF JACKSON COUNTY
STATE OF WEST VIRGINIA

STATE OF WEST VIRGINIA,

Plaintiff,

VS.

CRIMINAL CASE NO.: 08-F-35
THOMAS C. EVANS, III, JUDGE

TRACY L. HAID,

Defendant.

ORDER

On the 8th day of September 2009, came the State by counsel, Daniel B. Dotson, III, Assistant Prosecuting Attorney in and for this County and State, and the Defendant, in person and by counsel, George Cosenza, for trial.

Whereupon, the Court proceeded with jury selection. Thereafter, the jury was duly sworn to try the issues set forth in the Indictment. The jury was impaneled without objection.

Whereupon, the parties did then present their opening statements to the jury and the State began to present evidence in its case in chief.

Whereupon, on the 9th day of September 2009, the State continued with the presentation of evidence.

At the conclusion of the State's evidence, the Defendant, outside the presence of the jury, moved the Court for a judgment of acquittal. The State objected. Upon argument of counsel and mature consideration of the same, the Court overrules and DENIES the Defendant's motion.

Counsel for the Defendant, outside the presence of the jury, advised the Court that the Defendant did intend to exercise his right to testify. The Court then advised the Defendant of his right to testify or remain silent. The Court finds Defendant voluntarily waived his right to remain silent.

Whereupon, on the 9th day of September 2009 Counsel for the Defendant rested their case.

The Court then charged the jury as to the law.

The parties then presented their closing arguments and the case was submitted to the jury for its deliberations. The jury retired to the jury room to consider its verdict.

Whereupon, on the 10th day of September 2009, after an evening recess, the jury returned to the jury room to continue with its deliberations.

Sometime thereafter, the jury did return to the Courtroom. Upon inquiry from the Court, Melissa McDermott, the foreperson, stated to the Court that the jury had reached a verdict as follows:

WE THE JURY, find the Defendant, Tracy L. Haid, NOT GUILTY of the offense of Sexual Assault in the Second Degree as contained in Count One of the Indictment.
/s/ Melissa McDermott, Foreperson.

WE THE JURY, find the Defendant, Tracy L. Haid, NOT GUILTY of the offense of Sexual Assault in the Second Degree as contained in Count Two of the Indictment.
/s/ Melissa McDermott, Foreperson.

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WE THE JURY, find the Defendant, Tracy L. Haid, NOT GUILTY of the offense of Sexual Assault in the Second Degree as contained in Count Three of the Indictment. /s/ Melissa McDermott, Foreperson.

WE THE JURY, find the Defendant, Tracy L. Haid, GUILTY of the offense of Sexual Assault in the Third Degree as contained in Count Four of the Indictment. /s/ Melissa McDermott, Foreperson.

WE THE JURY, find the Defendant, Tracy L. Haid, GUILTY of the offense of Sexual Assault in the Third Degree as contained in Count Five of the Indictment. /s/ Melissa McDermott, Foreperson.

WE THE JURY, find the Defendant, Tracy L. Haid, NOT GUILTY of the offense of Sexual Assault in the Third Degree as contained in Count Six of the Indictment. /s/ Melissa McDermott, Foreperson.

Defendant requested the jury be polled. Whereupon, the Court inquired of each juror if the verdict rendered was their verdict, to which each juror answered affirmatively.

Said verdict appearing unanimous and in proper form, the same is ORDERED filed and recorded.

The Court dismissed the jury.

The State moved that Defendant's bond be revoked. Counsel for Defendant objected. For reasons stated on the record, the Court rescinded Defendant's bond.

This matter is ORDERED continued to October 1, 2009, at 2:00 p.m. for post-trial motions.

South Central Regional Jail is ORDERED to transport the Defendant to the Jackson County Courthouse on October 1, 2009, at 2:00 p.m. for hearing before the Circuit Court.

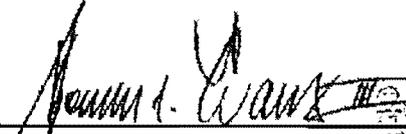
Defendant is remanded to the Sheriff of Jackson County without bond.

The Clerk of this Court shall forward a copy of this Order to: (1) Daniel B. Dotson, III, Assistant Prosecuting Attorney; (2) George Cosenza, Counsel for Defendant; (3) Sheriff of Jackson County; and (4) South Central Regional Jail.

All of which is, accordingly, ORDERED.

ENTERED this 11th day of September 2009.

* FULL COPY CERTIFIED THIS THE



Thomas C. Evans, III, Judge
CLERK OF COURT
JACKSON COUNTY, WEST VIRGINIA

PREPARED BY:


Daniel B. Dotson, III
Assistant Prosecuting Attorney
West Virginia State Bar # 5944

ENTERED THE 11th DAY OF
Sept 2009
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Keith Beuthart
CLERK CIRCUIT COURT