

ENTERED 3/1/2011

IN THE CIRCUIT COURT OF
BOONE COUNTY, WEST VIRGINIA

2011 MAR 2 PM 8 25
SERIALIZED

STATE OF WEST VIRGINIA,
Plaintiff,

v.

CASE NO.: 07-F-38

JASON GILLISPIE,
Defendant.

AMENDED ORDER DENYING MOTION FOR NEW TRIAL
AND RESENTENCING DEFENDANT

On December 02, 2010, came the State of West Virginia, by Jennifer Anderson, Assistant Prosecuting Attorney for Boone County. The Defendant, Jason Gillispie, appeared in person by video conference and by J. L. Hickok, his appellate attorney. A previous ORDER UPON RE-SENTENCE having been entered on December 09, 2010, but said Order having failed to set forth this Court's ruling with regard to Defendant's Motion for New Trial, said Order is hereby AMENDED.

This matter came on for hearing upon the request of the defense to re-sentence the Defendant upon his previous conviction by jury verdict rendered on February 22, 2008, and sentencing of April 16, 2008 to allow the defense to perfect his appeal. Defendant Gillispie was previously sentenced to a determinate sentence of 25 years, and re-sentenced for purposes of appeal by Order of June 16, 2009, but no appeal petition has been filed.

Without objection, and for good cause shown, it is hereby ORDERED that Defendant shall be credited for all time served under the prior Sentencing Order of

this Court entered on April 16, 2008. No provision of the aforesaid Order shall be deemed to have been modified or revoked by virtue of this Order, and Defendant shall receive credit for all time served under the prior Order.

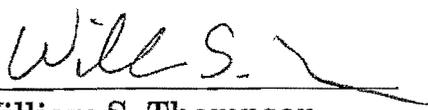
The Court incorporates, by reference, its findings of fact as contained in the original sentencing Order, a copy of which has been previously provided to the Defendant. Therefore, it is the ORDER and JUDGMENT of this Court that in regard to the Defendant's conviction for the felony offense of MURDER IN THE SECOND DEGREE, that Jason Gillispie is hereby sentenced to the Department of Corrections for A DETERMINATE TERM OF 25 YEARS, with credit for all time served since his arrest, and the effective sentencing date is November 16, 2007; and that the costs in this matter be assessed against him as a judgment.

The Court also considered Defendant's Motion for New Trial, Juror Misconduct. The basis for the motion was the assertion that a juror was discovered to have signed a pretrial petition requesting that Defendant be denied bond. The Court having fully considered the issues raised denied said motion for the reasons stated upon the record in this matter.

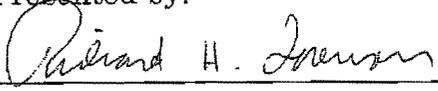
The Defendant, was advised of his right to appeal the conviction, sentence and motion for new trial, and was represented by J. L. Hickok, Office of Appellate Advocacy of West Virginia Public Defender Services. Mr. Hickok has since retired from his former position and Richard H. Lorensen was by previous Order of this Court substituted in the place and stead of J.L. Hickok.

It is further ORDERED that the Clerk of this Court shall furnish certified copies of this Order to the Defendant, Jason Gillispie at Huttonsville Correctional Center, P.O. Box 1, Huttonsville, WV 26273; J. L. Hickok, Appellate Counsel for the Defendant, and to the Prosecuting Attorney of Boone County.

Entered this the 15th day of ~~February~~ ^{March}, 2011.


William S. Thompson
Circuit Judge

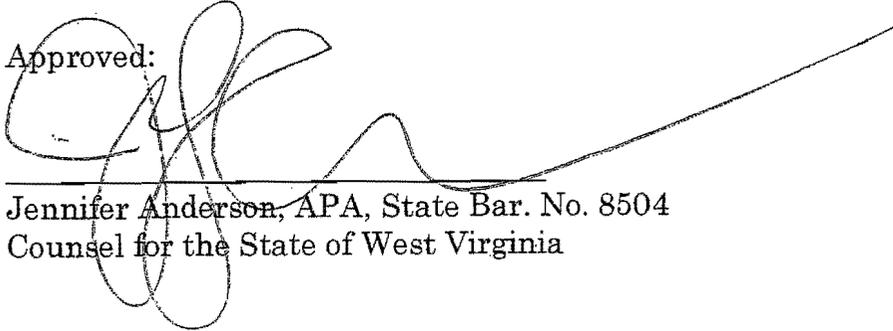
Presented by:


Richard H. Lorenson, St. Bar No. 2242
WV Public Defender Services
One Players Club Drive, Suite 301
Charleston, WV 25311

Phone: (304) 558-3905

Counsel for Defendant

Approved:


Jennifer Anderson, APA, State Bar. No. 8504
Counsel for the State of West Virginia

A COPY ATTEST
See Ann Zickefoose
CIRCUIT COURT