

IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

Plaintiff,

VS:

CASE NO.: 08-F-24

WILLIAM RYAN JOHNSON,

Defendant.

ENTERED
JUD. D.B. NO. 2005
PAGE 18
OCT 19 2011

CANDLE JONES
CLERK CIRCUIT COURT

AMENDED ORDER

On this 21st day of September, 2011, the Defendant's Renewed Motion for New Trial was Denied by an Opinion and Order filed simultaneously with this Order. It was represented to the Court at the conclusion of the last hearing, that if the Defendant's Renewed Motion for New Trial was Denied that he would need to be re-sentenced so that he could appeal his convictions. Without deciding whether this assertion is correct, the Court will re-sentence the Defendant.

The Court FINDS, ADJUDGES and ORDERS that the Defendant is guilty by a finding of guilty by the Jury to the offense of Murder in the Second Degree, a lesser included felony, as contained in Count 1 of Indictment No.: 08-F-24. Pursuant to said finding of guilt, it is ORDERED that the Defendant be committed to the custody of the West Virginia Division of Corrections for a term and period of forty (40) years said sentence to begin as of December 8, 2008 with a credit of 693 days and in all things dealt with as the law directs.

The Court FINDS, ADJUDGES and ORDERS that the Defendant is guilty by a finding of guilty by the Jury to the offense of Murder of a Child by a Guardian or Custodian, a felony, as contained in Count 2 of Indictment No.: 08-F-24. Pursuant to said finding of guilt, it is ORDERED that the Defendant be

10/19/11 Faxed NCRJ, DOC
10/18/11 in mail NCRJ, NCRJ.

committed to the custody of the West Virginia Division of Corrections for a term and period of life, without the possibility of parole, said sentence to begin as of the completion of the sentence imposed on Count 1 above, with no days credit, and in all things dealt with as the law directs.

The Court FINDS, ADJUDGES and ORDERS that the Defendant is guilty by a finding of guilty by the Jury to the offense of Death of a Child by Guardian or Custodian, a felony, as contained in Count 3 of Indictment No.: 08-F-24. Pursuant to said finding of guilt, it is ORDERED that the Defendant be committed to the custody of the West Virginia Division of Corrections for a term and period of forty (40) years, said sentence to begin as of the completion of the sentences imposed on Counts 1 and 2 above, with no days credit, and in all things dealt with as the law directs.

For these and other reasons appear in the record, the sentences will be served consecutively.

The Court having before him the report of the Probation Officer of this Court and having maturely considered said report, is of the opinion that the character and the circumstances of the case indicate that the Defendant is likely to again commit crime and that the public good does require that the Defendant be imprisoned. It is, therefore, ORDERED that said motion for probation be denied for these and other reasons appearing more fully upon the record.

Further, as for the conviction under Count II, the Court would Find that the Defendant is ineligible for probation.

Whereupon, the Court considered the Defendant's Motion for Other Alternative Sentences and for reasons that appear more fully upon the record, it is ORDERED that said Motion be Denied.

It is further ORDERED that the Defendant pay to the Clerk of this Court the following costs:

Clerk's Fee - \$105.00
Prosecuting Attorney Fee - \$35.00
Law Enforcement Training Fund - \$2.00
Community Corrections Fee - \$30.00
Community Corrections Fund - \$75.00
Crime Victim Compensation Fund - \$150.00
Arrest Fee - \$25.00
Magistrate Court Fee - \$10.00
Court Reporter's Fee - \$210.00
Jury Fee - \$ 6,992.98
Total - \$7,634.98

It further appearing to the Court that although a representative of the victim in this case was mailed a Victim's Impact Statement, the Court received no information from the representative and therefore the Court has no basis for making a determination as to restitution, it is, therefore, ORDERED that the Defendant shall not be required to make restitution in this case.

Upon his conviction under Counts 2 and 3, and pursuant to *WV Code Chapter 15, Article 13, Section 1 et seq.*, the Defendant must register with the WV State Police and cooperate in providing all information required by that statute, and continue to do so for a period of 10 years from this date. The Defendant must timely notify the WV State Police of any changes in the information he is required by law to provide/cooperate in providing to the WV State Police. The Defendant was further advised that failure to register is a criminal offense. Further, the Defendant was notified in writing of the requirements under *West Virginia Code §15-13-1 et seq.*. The Clerk of this Court is ORDERED to send a certified copy of the completed Notice of Requirement to Register With The State Child Abuse and Child Neglect form to the West Virginia State Police, Attention Sex Offender and

Child Abuse Registry, 725 Jefferson Road, South Charleston, West Virginia 25309-1698, two (2) copies to the Defendant's attorney, William O. Merriman, one (1) copy to the Wood County Prosecuting Attorney, and one (1) copy to the Probation Officer.

Pursuant to *West Virginia Code 61-8D-9*, given the defendant's convictions in this case, the Court finds, that the defendant is an abusing parent within the meaning of *West Virginia Code 49-6-1 et seq.*, to the other child residing in the same household as Jada as revealed in the record and testimony in this case, and further ORDERS that the West Virginia Department of Health and Human Resources file an appropriate petition pursuant to *West Virginia Code 49-6-1 et seq.*, and take further action as appropriate.

The Defendant shall submit a sample of his blood for DNA analysis pursuant to *West Virginia Code § 15-2B-1*, such testing being mandated by State law for the offense which he has been convicted, said sample to be obtained by the West Virginia Division of Corrections.

The Clerk is to provide counsel of record a copy of this Order.

This Order was amended for DNA analysis to be obtained by the West Virginia Division of Corrections.

ENTER: 10-18-2011



JEFFREY B. REED, JUDGE