

12-1121

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

v.

Case No. 12-F-320, 12-M-70
(Judge Louis Bloom)

FILED
2012 AUG 16 PM 4:23
CATIE S. GATSON, CLERK
KANAWHA CO. CIRCUIT COURT

ETHAN CHIC-COLBERT

SENTENCING ORDER

On the 15th day of August, 2012, came the defendant, **ETHAN CHIC-COLBERT**, together with counsel, John Sullivan and Justin Collin, and also came the State of West Virginia by Tera L. Salango and Daniel L. Holstein, Assistant Prosecuting Attorneys in and for Kanawha County, West Virginia, for sentencing in this matter upon being convicted by a jury of the Misdemeanor offense of Domestic Battery as contained in Count Two of Misdemeanor Indictment Number 12-M-70, and the Felony offenses Child Neglect Resulting in Death and Child Neglect Creating Substantial Risk of Serious Bodily Injury and Death, as contained in Counts Four, Five, Six, and Seven of Felony Indictment Number 12-F-320, entered in this Court on the 10th day of July, 2012.

Whereupon, the Court considered the Defendant's Motion for Judgment of Acquittal. The Court **DENIED** the motion for the reasons set forth in the record. The Court **FINDS** that the evidence was sufficient from which the jury could find the Defendant guilty on each of the counts for which he was convicted.

Whereupon, the Court announced that it had received, but not opened, a letter from the Defendant. The Court returned the letter to the Defendant's counsel, unopened, but permitting the Defendant to use it in such fashion as he desired at this sentencing hearing.

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Whereupon, the State presented the testimony of two witnesses and two exhibits, both of which were admitted into evidence for consideration of sentence.

The Court then heard the remarks of the Defendant, his counsel, counsel for the State, and the victim impact statements.

THEREUPON, it was demanded of the said **ETHAN CHIC-COLBERT**, if anything he had or knew to say why the Court should not now proceed to pronounce the sentence of the law against him, and no valid reason being offered or alleged in delay of judgment, it is **CONSIDERED** and **ORDERED** by the Court that the defendant, **ETHAN CHIC-COLBERT**, be sentenced as follows:

COUNT TWO OF 12-M-70: to credit for time served in jail, said credit is one hundred sixty-four (164) days;

COUNT FOUR OF 12-F-320: to the penitentiary of this State for an indeterminate term of not less than three (3) nor more than fifteen (15) years, said sentence is to run consecutive to the sentence imposed in Count Two of Misdemeanor Indictment Number 12-M-70;

COUNT FIVE OF 12-F-320: to the penitentiary of this State for an indeterminate term of not less than one (1) nor more than five (5) years, said sentence is to run consecutive to the sentences imposed in Count Two of Misdemeanor Indictment Number 12-M-70 and Count Four of Felony Indictment Number 12-F-320;

COUNT SIX OF 12-F-320: to the penitentiary of this State for an indeterminate term of not less than one (1) nor more than five (5) years, said sentence is to run consecutive to the sentences imposed in Count Two of Misdemeanor Indictment Number 12-M-70 and Counts Four and Five of Felony Indictment Number 12-F-320;

COUNT SEVEN OF 12-F-320: to the penitentiary of this State for an indeterminate term of not less than one (1) nor more than five (5) years, said sentence is to run consecutive to the sentences

imposed in Count Two of Misdemeanor Indictment Number 12-M-70 and Counts Four, Five, and Six of Felony Indictment Number 12-F-320.

The Court further **ORDERED** that a term of extended supervision be imposed pursuant to WV Code Section §62-12-26, which shall be for a period of twenty-five (25) years, upon terms and conditions as set forth by a separate order of the Court.

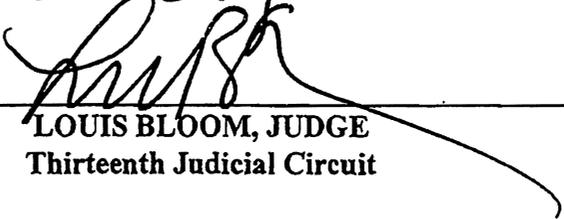
The Court further advised the Defendant of his right to appeal said sentence and explained to the Defendant the time period for which a Notice of Appeal shall be filed and perfected. The Defendant acknowledged his understanding of his appellate rights and requested the Court appoint counsel separate from the Public Defender's Office to handle said appeal. The Court granted the Defendant's request and will appoint counsel in a separate order.

And it is further **ORDERED** that the proper officer do, as soon as practicable, remove and safely convey the said **ETHAN CHIC-COLBERT**, from the South Central Regional Jail to the Department of Corrections, to be kept imprisoned and maintained in the manner prescribed by law.

WHEREUPON, the prisoner was remanded to Department of Corrections.

It is further **ORDERED** that the Clerk send a certified copy of this Order to all counsel of record, South Central Regional Jail, and the Department of Corrections.

ENTERED THIS 17 day of Aug, 2012



LOUIS BLOOM, JUDGE
Thirteenth Judicial Circuit

8/17/12
Date: _____
Certified copies sent to:
- court clerk _____
- parties _____
- other _____
By: _____
- certified mail _____
- by hand _____
- by electronic _____
- by direct deposit _____
Deputy Circuit Clerk

PRESENTED BY:



**Tera L. Salango (WV Bar No. 9423)
Daniel L. Holstein (WV Bar No. 6909)
Assistant Prosecuting Attorneys in and for
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INSPECTED BY:

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