

12-0512

IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

Plaintiff,

vs.

// CASE NO: 10-F-93

JOHN EUGENE ANDERSON,

Defendant.

ENTERED
D.B. No. 567
Page 14
MAR 12 2012

ORDER

CAROLE JONES
CLERK CIRCUIT COURT

On this 12th day of March, 2012, came the State of West Virginia by Jason Wharton, Prosecuting Attorney and Patrick Lefebure, Assistant Prosecuting Attorney in and for Wood County, West Virginia, Michelle Buckley, Probation Officer and the Defendant, in custody, and accompanied by his attorney, Joseph Munoz

Whereupon, counsel for Defendant filed a Motion for Post-Verdict Judgment of Acquittal or in the Alternative Motion for New Trial, which motion is hereby DENIED. The Court adopts the rulings made at trial in reference to said motion.

The Court having asked the Defendant, Defendant's attorney and the attorney for the State whether they had anything to say why the Court should not now proceed to pronounce sentence upon him according to law and nothing being offered or alleged in delay of sentence, it is, therefore, ADJUDGED that the Defendant is guilty upon a finding of guilt by a jury to the offense of *First Degree Murder*, a felony, as charged in the Indictment.

Thereupon, the Court, before imposing sentence, determined that the Defendant and his counsel have had the opportunity to read and discuss the pre-sentence investigation report, which is made available pursuant to the West Virginia Rules of Criminal Procedure, afforded the

Defendant and his attorney the opportunity to speak on behalf of the Defendant and asked the

At. Costs on DC
3/29/12 Orig. Comm. Med WVDC, Copy med NCS

Defendant personally if he wished to make a statement on his own behalf and to present any information in mitigation of punishment and the attorney for the State having also been given an equivalent opportunity to speak to the Court, upon consideration thereof, it is ADJUDGED and ORDERED that the Defendant, JOHN EUGENE ANDERSON, be committed to the custody of the West Virginia Division of Corrections for imprisonment for a term of LIFE, said sentence to begin as of March 12, 2012, with a credit of six hundred eighty-seven (687) days; with a recommendation of mercy by the jury, and in all things dealt with as the law directs.

Although the jury has recommended mercy and the Defendant by law will be eligible for parole after fifteen (15) years, the undersigned Judge, after hearing all the evidence of the extremely violent and premeditated nature of this offense, the Defendant's prior criminal record, and the Defendant's status as a registered sex offender, recommends to the parole board that the Defendant never be granted parole and never be released from prison. The Court, based upon the evidence, believes that the Defendant is likely to again commit crime and is an extreme risk to commit another violent crime.

It is further ORDERED that the North Central Regional Jail or their authorized agent and/or the West Virginia Division of Corrections shall perform DNA Identification Testing on the Defendant prior to his release from incarceration, such testing being mandated by State law for the offense upon which the Defendant has been convicted.

Whereupon, it appears to the Court that although the victim's sister was mailed a Victim's Impact Statement, the Court received no information from her and therefore the Court has no basis for making a determination as to restitution. It is ORDERED that no restitution be required at this time and that the issue of restitution shall remain open for an additional 90 days to allow said victim's family to file a Victim's Impact Statement.

It is further ORDERED that the Defendant shall pay to the Clerk of this Court the costs of his arrest and conviction; which said costs are as follows: Jury Fee - \$5,321.43; Clerk's Fee - \$105.00; Felony Docket Fee - \$35.00; Court Reporter's Fee - \$30.00; Crime Victim's Reparation Fund - \$50.00; Community Corrections Account - \$10.00; Community Corrections Fund - \$25.00; and Law Enforcement Training Fund - \$2.00

Whereupon, the Court advised and informed the Defendant of his right to appeal this case to the West Virginia Supreme Court of Appeals and the right to employ an attorney to represent him for legal assistance in making such appeal, and that if the Defendant did not have available finances and means to employ such an attorney, an attorney would be appointed by the Court to represent the Defendant in making such appeal, and a transcript of the proceedings will be provided to the Defendant without charge if he is unable to afford the cost of such transcript.

Thereupon, counsel for Defendant indicated to the Court that the Defendant intends to appeal this case and requested the Court to appoint counsel for the Defendant. It is therefore ORDERED that F John Oshoway and Joseph Munoz be appointed to represent the Defendant in the appeal of this case.

Thereupon, the Defendant is remanded to the custody of the Regional Jail Authority at the North Central Regional Jail for transportation to the duly authorized officials of the West Virginia Division of Corrections.

ENTER: March 12, 2012



ROBERT A. WATERS, JUDGE