

14-0639

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

Vs.

Case No. 13-F-76-3  
(James A. Matish, Chief Judge)

DARNELL CARLTON BOUIE,

Defendant.

**ORDER FOLLOWING HEARING ON POST-TRIAL MOTIONS/ORDER DENYING  
DEFENDANT'S POST TRIAL MOTIONS/SENTENCING ORDER/ORDER  
COMMITTING DEFENDANT TO CUSTODY OF WEST VIRGINIA DIVISION OF  
CORRECTIONS**

On the 16<sup>th</sup> day of May, 2014, came the State of West Virginia by James F. Armstrong, Assistant Prosecuting Attorney for Harrison County, West Virginia, and came also the defendant, Darnell Carlton Bouie, in person and in the custody of the Sheriff of Harrison County, West Virginia, and by James Hawkins, Jr. and Chad Taylor, his counsel. Also present for said proceedings were Charles L. Scott, Chief Adult Probation Officer, and Sergeant Joshua Cox of the Clarksburg Police Department. All parties were present for a hearing on post trial motions and sentencing in the above captioned matter.

Whereupon, the Court reviewed the procedural history of the above captioned matter for the record.

Thereupon, the Court noted that post trial motions had been filed by the State and responses to the same were filed by the State.

Thereupon, the Court heard from counsel for the defendant and counsel for the State in support of/in opposition of said motions.

After consideration of all of which, the Court was of the opinion to and did thereby ORDERED that defendant's Motion for a New Trial and Motion for a Judgment of Acquittal be denied.

Thereupon, the Court, without objection of counsel for the State and counsel for the defendant, ORDERED that the Presentence Investigation Report prepared in this matter be filed and made a part of the record in this case.

Thereupon, the Court heard the sentencing recommendations of counsel for the State and counsel for the defendant.

Thereupon, the defendant, by counsel, agreed to the restitution outlined in the Victim Impact Statement and the Victim Impact Statement was ORDERED filed herein.

The Court thereupon advised the defendant of his right of allocution and the defendant, Darnell Carlton Bouie, declined to address the Court prior to imposition of sentence.

Thereupon, members of the victim's family addressed the Court relative to disposition.

Nothing further being offered in delay of judgment herein with regard to defendant's finding of guilty of the felony offense of First Degree Murder with a recommendation of mercy as contained in Count One of the Indictment in this case as contained in Count One of the Indictment in this case, it was considered and ORDERED by the Court that said defendant, Darnell Carlton Bouie, be committed to the custody of the Commissioner of the West Virginia Division of Corrections for a period of life from the 5<sup>th</sup> day of October, 2012, thereby giving the defendant credit for time previously served. The defendant, Darnell Carlton Bouie, may be considered for parole after serving fifteen (15) years from October 5, 2012.

Nothing further being offered in delay of judgment herein with regard to defendant's finding of guilty of the felony offense of Conspiracy to Commit Burglary as contained in Count

Two of the Indictment in this case, it was considered and ORDERED by the Court that said defendant, Darnell Carlton Bouie, be committed to the custody of the Commissioner of the West Virginia Division of Corrections for a period of not less than one (1) year nor more than five (5) years. It was further ORDERED that said term of imprisonment run consecutively with the term of imprisonment theretofore imposed upon the defendant pursuant to his finding of guilty of the felony offense of First Degree Murder with a recommendation of mercy as contained in Count One of the Indictment in this case.

The Court thereupon recommended that the defendant be transferred to a state facility as soon as is practicable.

Thereupon, the Court advised the defendant of his rights with respect to appeal.

Thereupon, the Court advised the defendant that pursuant to Chapter 62, Article 4, Section 17 of the Code of West Virginia, if costs, fines, forfeitures, penalties or restitution imposed by the Court on the defendant in this matter are not paid in full when Ordered to do so by the Court, the Circuit Clerk shall notify the West Virginia Division of Motor Vehicles of such failure to pay and upon such notice, the Division of Motor Vehicles shall suspend the person's driver's license or privilege to operate a motor vehicle in this state until such time that the costs, fines, forfeitures or penalties are paid. The original notice advising the defendant of the same was ORDERED filed and made a part of the record in this case and a copy of said notice provided to the defendant, counsel for the defendant and counsel for State.

It was further ORDERED that the defendant, Darnell Carlton Bouie, pay the costs assessed in this matter within one (1) year of his ultimate release from imprisonment or placement on parole and the State of West Virginia was granted a judgment for said costs.

It was further ORDERED that the defendant, Darnell Carlton Bouie, make restitution to the following parties, in the following amounts, and in the following order, within six (6) months of his release from imprisonment or placement on parole:

Estate of Jayar Poindexter \$4,516.80  
3008 Stewart Street  
McKeesport, Pennsylvania 15132

West Virginia Crime Victims Fund \$7,000.00  
1900 Kanawha Boulevard East, Room W-334  
Charleston, West Virginia 25305-0610  
RE: CV-010-0061-X

It was further ORDERED that payment of Court costs and restitution shall be paid by the defendant through the Harrison County Circuit Clerk's Office.

**COUNT ONE OFFENSE: FIRST DEGREE MURDER**  
**TERM: LIFE (WITH PAROLE CONSIDERATION)**

**CONVICTION DATE: MARCH 21, 2014**  
**SENTENCE DATE: MAY 16, 2014**  
**EFFECTIVE SENTENCE DATE: OCTOBER 5, 2012**

**COUNT TWO OFFENSE: CONSPIRACY TO COMMIT BURLGARY**  
**TERM: 1-5 YEARS**

**CONVICTION DATE: MARCH 21, 2014**  
**SENTENCE DATE: MAY 16, 2014**  
**EFFECTIVE SENTENCE DATE: TO BEGIN UPON COMPLETION OF TERM OF IMPRISONMENT IMPOSED WITH REGARD TO COUNT ONE**

It was further ORDERED that the Clerk of this Court transmit a copy of this Order, duly certified, to the following parties:

James F. Armstrong  
Assistant Prosecuting Attorney  
Third Floor, Courthouse  
301 West Main Street  
Clarksburg, West Virginia 26301

James Hawkins, Jr., Esq.  
P. O. Box 2286  
Buckhannon, West Virginia 26201

Chad Taylor, Esq.  
254 East Main Street  
Clarksburg, West Virginia 26301

Adult Probation Office  
Third Floor, Courthouse  
301 West Main Street  
Clarksburg, West Virginia

Central Regional Jail  
1255 Dyer Hill Road  
Sutton, West Virginia 26601

West Virginia Division of Corrections  
112 California Avenue  
Charleston, West Virginia 25305

John Madia  
Victim Services Coordinator  
Third Floor, Courthouse  
301 West Main Street  
Clarksburg, West Virginia 26301

ENTER: \_\_\_\_\_

05/19/2014

\_\_\_\_\_  
JAMES A. MATISH, CHIEF JUDGE

SUBMITTED BY: \_\_\_\_\_

JAMES F. ARMSTRONG  
Assistant Prosecuting Attorney

APPROVED AS TO FORM BY: \_\_\_\_\_

\_\_\_\_\_  
JAMES HAWKINS, JR.  
Counsel for Defendant

\_\_\_\_\_  
CHAD TAYLOR  
Counsel for Defendant

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Chad Taylor, Esq.  
254 East Main Street  
Clarksburg, West Virginia 26301

Adult Probation Office  
Third Floor, Courthouse  
301 West Main Street  
Clarksburg, West Virginia

Central Regional Jail  
1255 Dyer Hill Road  
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Charleston, West Virginia 25305

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Victim Services Coordinator  
Third Floor, Courthouse  
301 West Main Street  
Clarksburg, West Virginia 26301

ENTER: \_\_\_\_\_

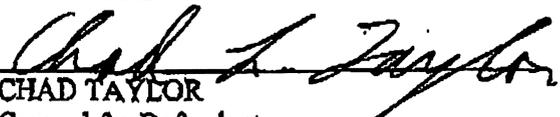
\_\_\_\_\_  
JAMES A. MATISH, CHIEF JUDGE

SUBMITTED BY:

\_\_\_\_\_  
JAMES F. ARMSTRONG  
Assistant Prosecuting Attorney

APPROVED AS TO FORM BY:

\_\_\_\_\_  
JAMES HAWKINS, JR.  
Counsel for Defendant

  
\_\_\_\_\_  
CHAD TAYLOR  
Counsel for Defendant

STATE OF WEST VIRGINIA  
COUNTY OF HARRISON, TO-WIT:

I, Donald L. Kopp II, Clerk of the Fifteenth Judicial Circuit and the 18<sup>th</sup>  
Family Court Circuit of Harrison County, West Virginia, hereby certify the  
foregoing to be a true copy of the ORDER entered in the above styled action  
on the 19 day of May, 2014.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix

Seal of the Court this 20 day of May, 2014.

Donald L. Kopp II  
Fifteenth Judicial Circuit & 18<sup>th</sup> Family Court  
Circuit Clerk  
Harrison County, West Virginia