

14-1101

2014

IN THE CIRCUIT COURT OF MONROE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

VS.

Criminal Action No. 14-F-01

JOSHUA NEAL HUBBARD,
Defendant.

2014 OCT - 1 PM 4: 01

FILED IN MONROE COUNTY
CIRCUIT COURT

VERDICT AND SENTENCING ORDER

This matter came before the Court on the 23rd day of September, 2014, for a jury trial on the charges contained in the indictment returned against the Defendant by the Grand Jury of Monroe County, West Virginia on January 14, 2014. The Monroe County Prosecuting Attorney, Justin R. St. Clair, appeared on behalf of the State of West Virginia. The Defendant appeared in person and by his counsel, Richard M. Gunnoe.

Whereupon a jury of twelve individuals was selected, sworn and empanelled in the manner provided for by law, after which the parties proceeded to deliver their opening statements. Testimony and evidence was received on September 23, 2014, until September 26, 2014, and both the State of West Virginia and the Defendant rested their respective cases-in-chief and delivered their closing arguments on September 26, 2014.

Whereupon the jury, having heard all of the evidence on behalf of the State and for the Defendant and having heard the instructions of the Court and the arguments of counsel, did on the 26th day of September, 2014, retire to their room to consider their verdict. After a time the Jury returned into open Court and rendered the following verdict:

“VERDICT FORM”

COUNT ONE: MURDER

With respect to Count One of the Indictment, charging the Defendant, Joshua Neal Hubbard, with the offense of Murder, we the jury find the Defendant:

✓

Guilty of Murder in the First Degree

With a recommendation of Mercy

✓

Without a recommendation of Mercy

Not Guilty of Murder in the 1st Degree, but Guilty of Murder in the 2nd Degree

Not Guilty of Murder in the 1st Degree, but Guilty of Murder in the 2nd Degree

Not Guilty of Murder in the 1st Degree; Not Guilty of Murder in the 2nd Degree, but Guilty of Voluntary Manslaughter

Not Guilty of Murder in the 1st Degree; Not Guilty of Murder in the 2nd Degree; Not Guilty of Voluntary Manslaughter, but Guilty of Involuntary Manslaughter

Not Guilty

COUNT THREE: CONSPIRACY TO COMMIT A FELONY OFFENSE: MURDER

With respect to Count Three of the Indictment, charging the Defendant, Joshua Neal Hubbard, with the felony offense of Conspiracy to Commit a Felony Offense: Murder, we the jury find the Defendant:

✓

Guilty

Not Guilty

9/26/14
Date

/s/ Michael J. Hines, Jr.
Foreperson"

Whereupon the Court did receive the verdict from the jury the Court **ORDERED** that the Defendant was found **GUILTY OF THE FELONY OFFENSE OF MURDER IN THE FIRST DEGREE WITHOUT A RECOMMENDATION OF MERCY AND GUILTY OF THE FELONY OFFENSE OF CONSPIRACY TO COMMIT A FELONY OFFENSE: MURDER.** No party requested to poll the jurors and the Court discharged the jury.

Whereupon the Court declared that the law did not provide for discretion with regard to sentencing individuals convicted of Murder in the First Degree with no recommendation for

mercy, and as such the Court **ORDERED** that the Defendant, Joshua Neal Hubbard, was **SENTENCED TO INCARCERATION IN THE STATE PENITENTIARY FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE**. The Court further **SENTENCED** the Defendant, Joshua Neal Hubbard, to an indeterminate period of one (1) to five (5) years of incarceration in the State penitentiary for his conviction of the felony offense of Conspiracy to Commit a Felony Offense: Murder. The Court **ORDERED** that the Defendant's sentence for Conspiracy was to be served **CONCURRENT** with his sentence of Murder in the First Degree. Thereafter, the Court advised the Defendant of his right to appeal his conviction and sentence.

The Court concluded that DNA sampling shall be performed pursuant to W.Va. Code §15-2B-6(a). The Southern Regional Jail is hereby directed to ensure that the blood sample is drawn and delivered to the West Virginia State Police. In the event Defendant refuses such sampling, the Court directed that an appropriate Order be prepared by the State and submitted to the Court ordering DNA sampling.

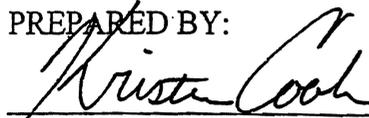
The Circuit Clerk is **ORDERED** to assess the costs of these proceedings as a judgment against the Defendant and in favor of the State of West Virginia. The Clerk is further directed to provide a certified copy of this Verdict Order to counsel of record, the Southern Regional Jail, and the West Virginia Division of Corrections.

Enter this Verdict Order the 30 day of September, 2014.

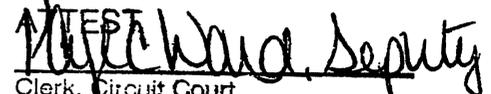


ROBERT A. IRONS, CIRCUIT JUDGE

PREPARED BY:



Kristin R. Cook, Esq. (WV Bar #11829)
Monroe County Assistant Prosecuting Attorney
P.O. Box 740
Union, West Virginia 24983

A TRUE COPY
ATTEST


Clerk, Circuit Court
Monroe Co., W.Va.

IN THE CIRCUIT COURT OF MONROE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA, EX-REL:
TPR. MCKENZIE

VS:

CASE NUMBER: 13-F-68

JOSHUA NEAL HUBBARD

ORDER APPOINTING COUNSEL

JOSHUA NEAL HUBBARD has filed with this court an affidavit reciting financial inability to employ counsel in connection with certain proceedings before this court. After reviewing the affidavit and considering the matter the Court is of the opinion that the eligibility requirements of the West Virginia Code 29-21-1 et seq. are satisfied. Accordingly, the Court ORDERS:

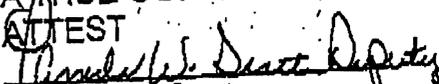
That RICHARD GUNNOE a licensed Attorney at Law practicing before the Bar of this Court is appointed to represent JOSHUA NEAL HUBBARD in the following described proceedings before this Court:

FIRST DEGREE MURDER

FILED IN MONROE COUNTY
CIRCUIT COURT
2013 JUN -6 AM 11:26

ENTERED : JUNE 5, 2013


ROBERT A. IRONS, CIRCUIT JUDGE

A TRUE COPY
ATTEST

Clerk, Circuit Court
Monroe Co., W.Va.