

14-0455

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IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA.

STATE OF WEST VIRGINIA,

VS.

INDICTMENT NO. 13-F-366-OA

STEVEN WILLIAMS.

NOTED CRIMINAL DOCKET
FEB 28 2014
JULIE BALL
CLERK CIRCUIT COURT
MERCER COUNTY

ORDER

This matter came on this day for a hearing upon the State's Motion in Limine. There appearing in Court are the State of West Virginia, by Kelli Harshbarger, her Assistant Prosecuting Attorney; the defendant, in person and by counsel, Ryan Flanigan.

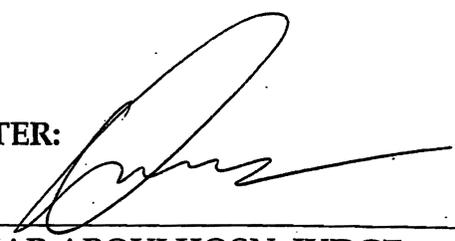
After due consideration of the pleadings filed herein and arguments made by counsel, the Court GRANTS the State's Motion in Limine.

And the defendant is permitted to remain upon the bond heretofore given.

The Clerk of the Court is directed to send a copy of the Order to counsel for the defendant.

Dated the 14th day of February 2014.

ENTER:



OMAR ABOULHOSN, JUDGE

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MAR 13 2014

IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA.

STATE OF WEST VIRGINIA,

VS.

STEVEN MICHAEL WILLIAMS.

INDICTMENT NO. 13-F-366-0A

NOTED CRIMINAL DOCKET
MAR 12 2014
JULIE BALL
CLERK CIRCUIT COURT
MERCER COUNTY

ORDER

This day came the State of West Virginia by Kelli Harshbarger, Assistant Prosecuting Attorney, and the defendant in person, and by counsel, Ryan Flanigan.

Thereupon, the defendant, for plea, says he is not guilty of the charges as contained in the indictment against him herein hath alleged, and of this, he puts himself upon the Country, and the State doth the like; and the petit jury regularly drawn for this term of the Court being called, there were placed in the box twenty jurors, who, upon examination by the Court were found to be legal, qualified jurors, free from exception. Thereupon, the State struck from said list two jurors, and the defendant struck therefrom six jurors, leaving in the box twelve legal, qualified jurors, free from exception for the trial of this case. Then came said jury of twelve, to-wit: Michael Peters, Larry Mann, Dusty Walker, Wanda Collins, Glenda Gibson, Donald Shillingburg, Alvin Taylor, Steven Bailey, Raymond Bane, Jacqueline Delp, James Miller and Kristy Blankenship, who were selected, impaneled, tried and sworn in the manner prescribed by law; and the Court being of the opinion that the trial of this case is likely to be a protracted one, directed that three jurors, in addition to the regular jury previously impaneled, be called; and the said three additional jurors having

the same qualifications being then called and being subjected to the same examination and challenges as the twelve jurors previously impaneled for the trial of this case, the State struck from said list of three additional jurors, one juror, and the defendant struck therefrom one juror, leaving one of the said additional jurors to act as an alternate juror to sit in the trial of this case, to-wit: Phillip Thompson, who was given the same oath as the twelve regular jurors previously sworn to try this case.

Whereupon, the jury having listened to the opening statements by counsel, having heard all the evidence presented in behalf of the State and the defense, having received their instructions by the Court, and having heard the closing arguments by counsel, retired to the jury room to consider their verdict. Sometime thereafter, the jury returned with the following verdicts: not guilty as to the offense of "Wanton Endangerment" as contained in Count 1 of the indictment, not guilty as to the offense of "Wanton Endangerment" as contained in Count 2 of the Indictment, not guilty as to the offense of "Unlawful Shooting at Another in Street, Alley, or Public Resort" as contained in Count 3 of the indictment, and guilty as to the offense of "Felon in Possession of a Firearm" as contained in Count 4 of the indictment Michael Peters, Foreperson. Upon the defendant's request, the jury was polled and answered in the affirmative as to whether or not this was their verdict, and the jury is discharged from the trial of this case. Thereupon, the jury was excused from the trial of this case.

Thereupon, the defendant, by counsel, moves the Court to set aside the verdict and grant the defendant a new trial. The Court takes said motion under advisement; refers this matter to the probation department of this County and Court for a pre-sentence

investigation; and schedules this matter for a hearing upon said motion and/or disposition on April 7, 2014 at 10:00 a.m.

The Clerk shall forward a copy of this Order to the probation department and counsel for the defendant.

And the defendant is permitted to remain on the bond heretofore given.

Dated this 18th day of February, 2014.

ENTER:



OMAR J. ABOULHOSN, JUDGE
13-F-366-OA

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IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA.

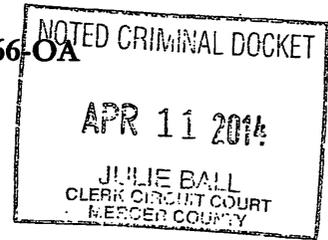
STATE OF WEST VIRGINIA,

VS.

INDICTMENT NO.

13-F-366-~~OA~~

STEVEN WILLIAMS



ORDER

This matter comes on this day on the defendant's motion for a new trial, motion for judgement acquittal and disposition. There appearing are the State of West Virginia by Kelli Harshbarger, her Assistant Prosecuting Attorney; Joe Allen of the Adult Probation Department and the defendant in person, and by counsel, Ryan Flanigan.

Whereupon, Counsel for the defendant moves the Court to put aside the defendant's verdict and grant the defendant an acquittal. After due consideration of the representations made, the Court does hereby **DENY** the defendant's motion for acquittal. In regards to the defendant's motion for a new trial, the Court called Adult Probation Officer Krista Ellison regarding her supervision of the State's witness, Victoria Combs. After due consideration, the Court does hereby **DENY** the defendant's motion for a new trial.

Thereupon, the Court having received the report of the pre-sentence investigation from the Probation Department of this County and Court, and after considering said report and the statements of counsel and the defendant, the Court finds that the defendant is not a fit and proper person for probation because: (1) there is a substantial risk that the defendant will commit another crime during any period of probation or conditional discharge; (2) probation or conditional discharge would unduly depreciate the seriousness of the defendant's crime; (3) the public good would not be served by placing

the defendant on probation, and (4) the public good would be served by the Court imposing a sentence of incarceration.

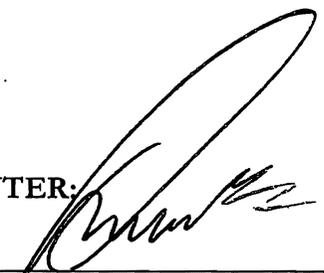
Whereupon, the Court inquired of the defendant if anything for himself he had or knew to say why the Court here should not now proceed to pronounce judgement against him, and nothing being offered or alleged in delay of judgement, it is the **ORDER** and **DECREE** of this Court that the said Steven Williams having been adjudged guilty of the offense of "Felon in Possession of a Firearm" as the State in Count 4 of its Indictment herein hath alleged and by a jury he hath been found. Therefore, it is the **ORDER** and **DECREE** of this Court that the defendant be taken from the bar of this Court forthwith to the Southern Regional Jail and therein confined until such time as the warden of the penitentiary can conveniently send a guard for him and that he be taken from the Southern Regional Jail to the penitentiary of this State and therein confined for the determinate term of four (4) years as provided by law for the offense of "Felon in Possession of a Firearm" as the State in Count 4 of its Indictment herein hath alleged and by a jury he hath been found; that defendant be given credit for 175 days for which he has served in jail; the Court denies credit for Home Confinement days; that he pay all court costs within one (1) year following his release from incarceration; and that he be dealt with in accordance with the rules and regulations of that institution and the laws of the State of West Virginia.

And the defendant is remanded to the Southern Regional Jail pending his placement in the penitentiary.

The Clerk shall forward a copy of this Order to counsel for the defendant, the probation department, and the Southern Regional Jail.

Dated the 7th day of April, 2014.

ENTER:



OMAR J. ABOULHOSN, JUDGE
13-F-366-OA