

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA  
**FILED**

STATE OF WEST VIRGINIA  
Plaintiff,

Vs.

HAYDEN DAMIAN DRAKES,  
Defendant.

2018 FEB 12 PM 2:51 INDICTMENT NO. 16-F-344  
JUDGE ALFRED E. FERGUSON

J.E. HOOD  
CIRCUIT CLERK  
CABELL CO. WV

**SENTENCING ORDER**

On this the 26<sup>th</sup> day of January, 2018, came the defendant, in person and by counsel, Gerald Henderson and Jason Adkins, and also came the State of West Virginia by Sean K. Hammers, Prosecuting Attorney, and Lauren E. Plymale, Assistant Prosecuting Attorney, Cabell County, West Virginia, for hearing on defendant's motion pursuant to the defendant having previously filed a "Motion to Set Aside the Verdict, and Motion for Judgment of Acquittal Not Withstanding the Verdict, or, Alternatively, Motion For a New Trial." Upon consideration of the defendant's motion, the Court was of the opinion to DENY said motion.

Therefore, it is the ORDER of the Court that the defendant's "Motion to Set Aside the Verdict, and Motion for Judgment of Acquittal Not Withstanding the Verdict, or, Alternatively, Motion for a New Trial" is hereby DENIED.

Whereupon, the defendant having been found guilty by a jury of his peers to the felony offense of "Second Degree Murder" as contained in Indictment No. 16-F-344, the Court then proceeded with sentencing, which upon addressing counsel for the defendant, the Court determined that the defendant and his counsel have had the opportunity to participate in the presentence investigation and have read and discussed the report thereof made available to them pursuant to Rule 32(b) of the West Virginia Rules of Criminal Procedure. Further, the Court determined that there are no unresolved objections to said presentence report.

The Court then afforded counsel for the defendant the opportunity to speak on behalf of the defendant and addressed the defendant personally and asked him if he wished to make a statement in his own behalf and/or to present any information in mitigation of punishment.

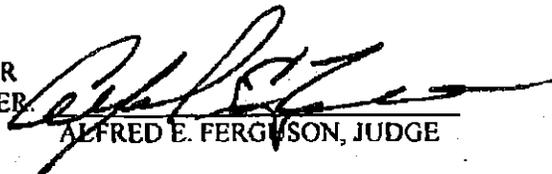
Thereafter, the Court then demanded of the said Hayden Damian Drakes if he had or knew anything to say why the Court should not proceed to pronounce the sentence of the law against him, and nothing being offered or alleged in delay of judgment, it is ORDERED that the defendant be committed to the custody of the Division of Corrections for a period of forty (40) years on Indictment No. 16-F-344, with credit for time served and no credit for Home Confinement.

It appearing to the Court that the bond previously posted in this matter is no longer required, it is hereby ORDERED that the Clerk of the Circuit Court deduct from said bond any court ordered fines and court costs and return the remainder of said cash bond to the surety. In the event that a property bond was posted in this matter, upon discharge and release of said bond, the clerk of this court shall provide a certified copy of said release to the county clerk of Cabell County for filing therein.

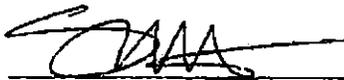
The Clerk of this Court is hereby directed to provide a certified copy of this order to all counsel of record, the Western Regional Jail, the Division of Corrections, and to Home Confinement.

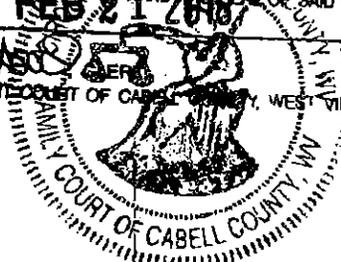
There being nothing further to be done in this matter, it is hereby removed from the active docket of the Court.

ENTER  
ORDER

  
ALFRED E. FERGUSON, JUDGE

PREPARED FOR ENTRY BY:

  
Date: 2/6/2018  
Sean K. Hammers, SB# 6324  
Prosecuting Attorney  
Cabell County Courthouse  
750 5<sup>th</sup> Avenue, Suite 350  
Huntington, WV 25701  
(304) 526-8653

STATE OF WEST VIRGINIA  
COUNTY OF CABELL  
I, JEFFREY E. HOOD, CLERK OF THE CIRCUIT  
COURT FOR THE COUNTY AND STATE AFORESAID  
DO HEREBY CERTIFY THAT THE FOREGOING IS A  
TRUE COPY FROM THE RECORDS OF SAID COURT  
ENTERED ON THE DOCKET OF SAID COURT  
GIVEN UNDER MY HAND AND SEAL OF SAID COURT  
THIS FEB 21 2018  
  
CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

PREPARED FOR ENTRY BY:

  
Date: 2/7/2018  
Lauren E. Plymale, SB# 10551  
Assistant Prosecuting Attorney  
Cabell County Courthouse  
750 5<sup>th</sup> Avenue, Suite 350  
Huntington, WV 25701  
(304) 526-8653