

/s/ Patrick N. Wilson  
Circuit Court Judge  
Ref. Code: 18R91AXS

E-FILED 4/4/2018 3:06 PM  
CC-24-2017-F-77  
Marion County Circuit Clerk  
Rhonda Starn

In the Circuit Court of Marion County, West Virginia

State of West Virginia, )  
Plaintiff, )  
vs.) )  
OSCAR CHAPMAN, )  
Defendant )

Case No. CC-24-2017-F-77

Sentencing Order

On the 3<sup>rd</sup> day of April, 2018, came the State of West Virginia, by Jeffrey L. Freeman, its Prosecuting Attorney, and Joseph T. Hodges, III, its Assistant Prosecuting Attorney, and came the Defendant, OSCAR CHAPMAN, in person and by his counsel, Neal Hamilton, all for the purpose of a sentencing hearing in the above-styled case.

Whereupon the Court advised the parties that it was in receipt of the pre-sentence investigation and report and the amended pre-sentence investigation and inquired if either party had any objections to the report being filed in this matter, to which both parties did not object.

Thereupon, the Court then inquired of Defendant and his Counsel if there was any reason why judgment should not now be pronounced against him, and nothing being offered or alleged, the Court proceeded to hear the representations of counsel, and then afforded the Defendant an opportunity to address the Court regarding sentencing.

In consideration of the same, and of all matters of record, herein, the Court ORDERED that Defendant be, and hereby is, sentenced upon Count IV of the Indictment, charging the offense of CONSPIRACY TO COMMIT A FELONY, a felony, to imprisonment in the penitentiary not less than one (1) year nor more than five (5) years; sentenced upon Count III of the Indictment, charging the offense of NIGHTTIME .

BURGLARY, a felony, to imprisonment in the penitentiary not less than one (1) year nor more than fifteen (15) year; sentenced upon Count II of the Indictment, charging the offense of ROBBERY IN THE FIRST DEGREE (WITH A FIREARM) , a felony, to imprisonment in a state correctional facility for a determinate term of fifteen (15) years; and sentenced upon Count I of the Indictment, charging the offense of MURDER IN THE FIRST DEGREE, a felony, to imprisonment in the penitentiary for life, with parole eligibility after serving fifteen (15) years.

The Court further Ordered that the sentence for Count III, charging NIGHTTIME BURGLARY, shall run consecutively to the sentence for Count IV, Conspiracy to Commit a Felony; and that the sentences for Count II, Robbery in the First Degree with a Firearm, and Count I, Murder in the First Degree, shall run concurrently with each other but consecutively to the sentences for Counts III and IV. Further, the Defendant shall receive credit for time served from the 17<sup>th</sup> day of May, 2017, to this 3<sup>rd</sup> day of April, 2018, in the amount of three hundred twenty-one (321) days previously served.

Conviction Date: February 2, 2018

Sentence Date: April 3, 2018

Effective Sentence Date: May 17, 2017

Whereupon the Court ORDERED that the Defendant must comply with West Virginia Code §15-2B-6 and submit to mandatory DNA testing.

It is further ORDERED that the Defendant is required to pay the costs of these proceedings and attorney fees as assessed by the Clerk of the Court within three (3) years of Defendant's release. Defendant shall pay the costs of this proceeding in the sum of Four Thousand Twelve Dollars (\$4,012.00) to be paid to and through the Marion County Circuit Clerk's Office, Marion County Courthouse, Fairmont, WV 26554.

Defendant shall pay his proportionate share of restitution in Case No. 17-F-77 in the amount of One Thousand Seven Hundred Forty-one Dollars and Forty-nine Cents (\$1,741.49) to the Estate of Malcolm Whitted, c/o Otis Whitted, 7312 Beaberland Street, Detroit, Michigan 48239, by certified check or money order made payable to the victim and delivered or mailed to the Marion County Circuit Clerk's Office, 219 Adams Street, Room 211, Fairmont, WV 26554, to be paid within three (3) years of Defendant's release from incarceration to and through the Marion County Circuit Clerk's Office, Marion County Courthouse, Fairmont, WV 26554.

The certified check or money order shall include the Defendant's name and case number and shall be recorded and promptly forwarded to the victim by said Clerk's office. Any restitution amount may be enforced or collected as a civil judgment by any available means of civil collection or enforcement.

Whereupon, the Court ORDERED the Defendant remanded to the custody of the West Virginia Division of Corrections and advised all parties that it had no objection to the Defendant's placement at the Eastern Regional Jail pending his transfer to a DOC Facility.

Defendant is hereby advised of the following rights concerning his conviction and sentence:

(1) Within sixty (60) days from the date of your sentence, you may petition the presiding judge of the Circuit Court of Marion County, pursuant to West Virginia Code §62-12-3, for suspension of the execution of your sentence and release on probation.

(2) Within one hundred twenty (120) days from the date of your sentence, you may petition the judge of the Circuit Court of Marion County, pursuant to Rule 35(b) of the West Virginia Rules of Criminal Procedure, for correction or reduction of your

sentence.

(3) Pursuant to Rule 32 of the West Virginia Rules of Criminal Procedure, you can appeal your conviction and/or sentence to the West Virginia Supreme Court of Appeals in Charleston, West Virginia. In order to protect and keep this right of appeal you must:

A. Within thirty (30) days from the date of your sentence, file with the Clerk of the West Virginia Supreme Court of Appeals in Charleston, West Virginia, your notice of intent to appeal, and;

B. Within four (4) months from the date of your sentence, file your petition for writ of error with the West Virginia Supreme Court of Appeals in Charleston, West Virginia.

(4) If you are an indigent and cannot afford an attorney, then this Court will appoint an attorney to represent you to protect your appellate rights as set out in paragraph three (3) above.

A. You must notify the Court in writing of your request to have an attorney for you to exercise these rights.

(5) You are further notified that failure to pay court imposed assessments, including, but not limited to, fines, costs, restitution, et cetera, shall result in the suspension of your license or privilege to operate a motor vehicle in the State of West Virginia and that such suspension could result in the cancellation of, the failure to renew, or the failure to issue an automobile insurance policy providing coverage for yourself or your family.

The foregoing notice was read in open court, and a blue copy of same given to the Defendant on the 3<sup>rd</sup> day of April, 2018.

It is further ORDERED that the Clerk of this Court shall provide a copy of this Order upon entry to: the State of West Virginia, **Jeffrey L. Freeman**, 213 Jackson Street, Fairmont, WV 26554 Counsel for Defendant, **Neal Hamilton**, PO Box 509, Fairmont, WV 26555-0509; **Adult Probation Office**, 314 Monroe Street, Fairmont, WV 26554; **West Virginia Division of Corrections**, 1409 Greenbrier Street, Charleston, WV 25311; and to the **North Central Regional Jail**, 1 Lois Lane, Greenwood, WV 26415.

All until further Order of the Court.

Prepared By:

Approved By:

/s/ Jeffrey L. Freeman  
Jeffrey L. Freeman, #6591  
Prosecuting Attorney

/s/ Neal Hamilton  
Neal Hamilton,  
Counsel for Defendant

Prepared By:

/s/ Joseph T. Hodges, III  
Joseph T. Hodges, III, # 8559  
Assistant Prosecuting Attorney

#### CERTIFICATE OF SERVICE

I, Joseph T. Hodges, III, do hereby certify that on the 4<sup>th</sup> day of April, 2018, I delivered a true copy of the foregoing ORDER to the Circuit Court using the West Virginia E-Filing system, which will send notification of such filing to defendant's counsel, Neal Hamilton.

/s/ Joseph T. Hodges, III  
Joseph T. Hodges, III, (WVSB #8556)  
Assistant Prosecuting Attorney  
213 Jackson Street  
Fairmont, WV 26554

/s/ Patrick N. Wilson  
Circuit Court Judge  
16th Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit [www.courtsww.gov/e-file/](http://www.courtsww.gov/e-file/) for more details.