

AC

IN THE CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

VS:

HENRY JO WARD  
DOB: 04-01-1980

INDICTMENT NO. 21-F-150  
PAUL M. BLAKE, JR. JUDGE

FAYETTE COUNTY  
CLERK  
SEP 29 A 9:56  
DEPT. OF CORRECTIONS  
M. E. HENDRICKS

SENTENCING AND COMMITMENT ORDER

On the 10<sup>th</sup> day of September 2021, came the State of West Virginia by Jennifer D. Crane, Chief Assistant Prosecuting Attorney; Sarah Smith, Assistant Prosecuting Attorney; the defendant, Henry Jo Ward, and his counsel, Christopher S. Moorehead; and the Probation Department of this Court appearing by Robin Holland, Probation Officer, for the purpose of imposition of sentence pursuant to his conviction by jury for Indictment No. 21-F-150 of the felony offenses of attempted murder in the second degree, as charged in Count One of Indictment No. 21-F-150; wanton endangerment involving a firearm, as charged in Counts Two and Three of Indictment No. 21-F-150; malicious assault, as charged in Count Four of Indictment No. 21-F-150; use or presentment of a firearm during the commission of a felony, as charged in Count Five of Indictment No. 21-F-150; and the misdemeanor offenses of obstructing an officer, as charged in Count Six of Indictment No. 21-F-150; and brandishing a deadly weapon, as charged in Count Seven of Indictment No. 21-F-150, on July 28, 2021.

Whereupon, the Court reviewed the Pre-sentence Investigation Report prepared by the Probation Department and addressed the issue of additions or corrections to said report. The Court also reviewed letters from individuals received by the Probation Office on behalf of the defendant and has considered them prior to sentencing.

The Court, thereupon, offered all parties, including the defendant, an opportunity to speak in

open court prior to pronouncement of sentence. Thereupon, counsel for the defendant, as well as the State, addressed the Court.

After review of the Pre-sentence Investigation Report, letters received on behalf of the defendant, the Court made the following findings of facts:

1. The defendant is forty-one (41) years old.
2. The defendant is a high school graduate.
3. The defendant has his diesel mechanic certificate.
4. The defendant is married and has three (3) dependents.
5. The defendant was employed during the time of the incident at Cowboy Town in Hico as a ground's keeper/care taker.
6. There is no explanation for the defendant's behavior other than he planned to become violent.
7. The defendant knew Deputy Pierson and knew he was a police officer.
8. Luckily, this situation wasn't worse than it was.
9. There is no good explanation or excuse for the defendant arming him with a pistol. The Court is unsure why the defendant armed himself.
10. The defendant has painted himself as the victim in this matter and that he was justified in using a gun. The jury obviously didn't believe the defendant.
11. The defendant's explanation of his actions does not make any sense.
12. The Court believes the defendant used the gun to scare the victims off the property, and luckily, no one was killed.
13. The defendant admits he told Deputy Pierson he was lucky he was still breathing, but now recognizes that statement got him in trouble.
14. The defendant's criminal history consists of the following:

- 11/03/2004 – Speeding, Improper Registration
- 08/23/2009 – Receiving/Transferring Stolen Goods
- 04/13/2010 – Domestic Violence EPO
- 06/01/2010 – Domestic Violence EPO
- 09/01/2011 – Concealed Weapon w/o Permit
- 04/11/2012 – Domestic Violence EPO
- 08/07/2012 – Domestic Violence EPO
- 11/03/2013 – Seat Belt Violation
- 07/26/2014 – Seat Belt Violation
- 07/03/2015 – Seat Belt Violation
- 05/26/2019 – Operation w/o Certificate of Inspection

15. The defendant has obtained his concealed carry permit and has a valid driver's license.

16. The defendant is in good health.

17. The defendant has people who wrote favorable letters asking the Court to place the defendant on probation. However, these people were not present for the crime.

18. The defendant is not a suitable candidate for probation given his violent tendencies.

Based thereon, it is further the **ORDER** and **JUDGMENT** of the Court that the defendant's application for probation should be and the same is hereby **DENIED**.

Whereupon, the Court, after giving all parties an opportunity to be heard, is of the opinion and therefore, it is the **ORDER** and **JUDGMENT** of the Court that for the defendant's conviction of the felony offense of attempted murder in the second degree, as charged in Count One of Indictment No. 21-F-150, the defendant be sentenced to the penitentiary for not less than one (1) year nor more than three (3) years.

Whereupon, the Court, after giving all parties an opportunity to be heard, is of the opinion and

therefore, it is the **ORDER** and **JUDGMENT** of the Court that for the defendant's conviction of the felony offense of wanton endangerment involving Coty Pierson, as charged in Count Two of Indictment No. 21-F-150, the defendant be sentenced to the penitentiary for a determinate five (5) years and fined one-thousand-dollars (\$1,000.00).

Whereupon, the Court, after giving all parties an opportunity to be heard, is of the opinion and therefore, it is the **ORDER** and **JUDGMENT** of the Court that for the defendant's conviction of the felony offense of wanton endangerment involving Jeffrey Barnhouse, as charged in Count Three of Indictment No. 21-F-150, the defendant be sentenced to the penitentiary for a determinate five (5) years and fined one-thousand-dollars (\$1,000.00).

Whereupon, the Court, after giving all parties an opportunity to be heard, is of the opinion and therefore, it is the **ORDER** and **JUDGMENT** of the Court that for the defendant's conviction of the felony offense of malicious assault on a law enforcement officer, as charged in Count Four of Indictment No. 21-F-150, the defendant be sentenced to the penitentiary for not less than three (3) years nor more than fifteen (15) years.

Whereupon, the Court, after giving all parties an opportunity to be heard, is of the opinion and therefore, it is the **ORDER** and **JUDGMENT** of the Court that for the defendant's conviction of the felony offense of use or presentment of a firearm during the commission of a felony, as charged in Count Five of Indictment No. 21-F-150, the defendant be sentenced to the penitentiary for a determinate ten (10) years.

Whereupon, the Court, after giving all parties an opportunity to be heard, is of the opinion and therefore, it is the **ORDER** and **JUDGMENT** of the Court that for the defendant's conviction of the misdemeanor offense of obstructing an officer, as charged in Count Six of Indictment No. 21-F-150, the defendant be sentenced to jail for one (1) year.

Whereupon, the Court, after giving all parties an opportunity to be heard, is of the opinion and

therefore, it is the **ORDER** and **JUDGMENT** of the Court that for the defendant's conviction of the misdemeanor offense of brandishing a deadly weapon, as charged in Count Seven of Indictment No. 21-F-150, the defendant be sentenced to jail for one (1) year.

Whereupon, it is hereby **ORDERED** that sentences for Counts One, Two, Three, Four, and Five of Indictment No. 21-F-150 be served consecutively with each other and sentences for Counts Six and Seven be served concurrently with each other and concurrently with the sentence for Count Five of Indictment No. 21-F-150.

The effective date of this sentence shall be July 18, 2021, the defendant being credited for fifty-four (54) days served while awaiting disposition of this matter.

Whereupon, the Court explained to the defendant orally his right to appeal the Court's judgment to the Supreme Court of Appeals of West Virginia.

The defendant is hereby remanded to the custody of the Department of Corrections and Rehabilitation for further execution of this sentence.

To expedite entry of this Order, any concerned parties may object to its language by filing a written objection with the Court and serving counsel of record with the same within five (5) days of entry of the order. Failure to timely file any such objection shall be deemed a waiver thereof.

It is further the **ORDER** and **JUDGMENT** of this Court that the Clerk of this Court shall complete the Court Disposition Reporting Form, DPS Form 29, and shall send the original of such form to the appropriate agency for recordation. The Clerk is further directed to forthwith send an attested copy of this Order via facsimile machine to Margaret Chico-Eddy, Records Manager, West Virginia Division of Corrections, 304.558.8430; and shall forward certified copies of this Sentencing and Commitment Order to the West Virginia Division of Corrections, 1409 Greenbrier Street, Charleston, WV 25311. The Clerk is further directed to forward attested copies of this Order to Jennifer D. Crane, Chief Assistant Prosecuting Attorney, 108 East Maple Avenue, Fayetteville, West Virginia

25840; Christopher S. Moorehead, 219 N. Court Street, Fayetteville, West Virginia 25840; Robin Holland, Probation Officer, 100 Court Street, Fayetteville, West Virginia 25840; and Officer D.W. Hylton, West Virginia Department of Natural Resources, 2006 Robert C. Byrd Drive, Beckley, West Virginia 25801; and Southern Regional Jail, 304.254.2943.

ENTERED September 29, 2021



PAUL M. BLAKE, JR., JUDGE

**Attested Copies to:**

MCE (P) / RH

WVDOC / DWH

JDC / SRT (P)

CSM / AR x2

Date: 9-29-2021

Initials: SM