

IN THE CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

V.

Kyle K. Slaughter
112 Salmon Drive
Beckley, WV 25801
(SRJ)

CASE NO. (S) 22-M10F-00026

2022 FEB -8 P 1:06

FAYETTE COUNTY
CIRCUIT CLERK
DEBORAH B. HENDRICK

ORDER APPOINTING COUNSEL FOLLOWING ELIGIBILITY DETERMINATION
BY PUBLIC DEFENDER

An affidavit has been filed with this Court reciting that Kyle K. Slaughter is financially unable to employ counsel for representation in certain proceedings before this court. After reviewing the eligibility determination made by the Public Defender pursuant to West Virginia code, Section 29-1-1, et seq., the Court is of the opinion the eligibility requirements of West Virginia Code, Section 29-21-1, et seq., are satisfied. Accordingly, the court **ORDERS**:

That, Public Defender's Office, a licensed Attorney at law practicing before the Bar of the Court, is appointed to represent Kyle K. Slaughter in the following described proceedings before this Court:

Bribery

ENTERED: 2/8/2022


JUDGE

IN THE CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

VS:

INDICTMENT NO.: 22-F-109
PAUL M. BLAKE, JR., JUDGE

KYLE K. SLAUGHTER
D.O.B.: 03/22/1996

SENTENCING AND COMMITMENT ORDER

On Friday, August 26, 2022, came the State of West Virginia, by counsel, Anthony Ciliberti, Jr., Prosecuting Attorney, Fayette County, West Virginia; and, the Defendant, Kyle K. Slaughter, in person and by counsel, James A. Adkins; and, Robin K. Holland, of the Probation Department of this Court, for the purpose of imposition of sentence and a hearing upon the Defendant's application for probation, pursuant to his conviction, by plea of guilty on June 29, 2022, to the felony offense of bribery in official and public matters, as charged in Count Five of Indictment No. 22-F-109.

WHEREUPON, the Court reviewed the *Presentence Investigation Report* prepared by the Probation Department dated July 27, 2022, and addressed the issue of additions or corrections to said report. Counsel for the Defendant argued the Defendant should be given credit for time served from December 7, 2021, through August 26, 2022, for a total credit of two hundred sixty-three (263) days served. The State argued the Defendant should only be entitled to credit for time served from December 7, 2021, through January 5, 2022, for a total credit of thirty (30) days served. Accordingly, after hearing the argument of counsel and upon mature consideration, it is the **ORDER** of this Court that the applicable credit for time served is thirty (30) days. Further, it is the **ORDER** of this Court that the Defendant may file a motion for reconsideration should he not be convicted on charges arising from an incident that

occurred on or about November 15, 2021, in Raleigh County, West Virginia. The Defendant's objections and exceptions made upon the record to the Court's ruling are so noted.

The Court then offered all parties, including the Defendant, an opportunity to speak in open court prior to pronouncement of sentence. The State of West Virginia and Counsel for the Defendant each addressed the Court. The Defendant did not address the Court.

WHEREUPON, the Court, after having given 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 for the felony offense of bribery in official and public matters, as charged in Count Five of Indictment No. 22-F-109, the Defendant be sentenced to the West Virginia State Penitentiary for an indeterminate period of not less than one (1) year nor more than ten (10) years. It is further the **ORDER** and **JUDGMENT** of the Court that the Defendant shall also be forever disqualified from holding any office or position of honor, trust, or profit of government in the State of West Virginia.

THEREAFTER, the Court in acting upon the Defendant's application for probation reviewed the *Presentence Investigation Report* and took the following matters into consideration:

- 1 The Defendant is twenty-six (26) years old.
- 2 The Defendant did graduate from high school graduate.
- 3 The Defendant currently has felony charges pending in Raleigh County, West Virginia those being malicious wounding and two counts of wanton endangerment.
- 4 The Defendant led law enforcement on a high-speed chase in excess of 120

m.p.h.

- 5 The Defendant attempted to bribe law enforcement officers.
- 6 The Defendant then began to curse the law enforcement officers when they refused to accept his bribes.
- 7 The Defendant had a juvenile present with him in the motor vehicle at all times material hereto.
- 8 The Court finds it amazing that no person was injured or killed during the high speed chase.
- 9 The Court makes note of the Defendant's criminal history of various misdemeanor charges in the States of West Virginia and Florida and the felony charges of malicious wounding and two counts of wanton endangerment now pending in the Circuit Court of Raleigh County, West Virginia.
- 10 The Defendant has a minimal employment history and has worked in the restaurant industry in the State of West Virginia as a dishwasher/cook at Steak and Shake in Barboursville in 2014-2015. The Defendant also worked in the State of Florida, his last employment, at Freddie's Frozen Burgers for a period of seven to eight months in 2019.
- 11 The Defendant received a favorable settlement from a personal injury claim in the amount of Two Hundred Thousand Dollars (\$200,000.00) but now has nothing to show from said settlement.
- 12 The Defendant has a history of abusing controlled substances.
- 13 The Defendant was traveling upon a road which poses a threat to society and to himself.
- 14 To grant the Defendant either probation or alternative sentencing would unduly depreciate the seriousness of the offense for which the Defendant stands

convicted.

Based thereon, it is the **ORDER** and **JUDGMENT** of the Court that the Defendant's application for probation and/or alternative sentencing should be and the same is hereby **DENIED**.

The effective date of this sentence shall be July 28, 2022, the Defendant being given thirty (30) days credit for time served while awaiting disposition of this matter.

It is further the **ORDER** and **JUDGMENT** of this Court that the Defendant shall be assessed all court costs associated with this matter. All court costs are to be paid within one hundred eighty days from the Defendant's release from incarceration or pursuant to a reasonable payment plan established with the Court. The Court advised the Defendant that the failure to pay the assessed court costs may result in collection activity being taken against the Defendant.

WHEREUPON, the Court explained to the Defendant his right to appeal the Court's judgment to the Supreme Court of Appeals of West Virginia and gave him written notice of the same.

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

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 attested copies of this Order via facsimile machine to Margaret Chico-Eddy, Records Manager, West Virginia Division of Corrections, 304.558.8430; and, Southern Regional Jail, at 304.254.2943; and, further 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 via the WV e-File System to Anthony Ciliberti, Jr., Prosecuting Attorney; James A. Adkins, Counsel for Defendant; Robin K. Holland, Fayette County Probation Office; and, via Interdepartmental Mail to; Michelle Holly, County Clerk, 100 Court Street, Fayetteville, West Virginia 25840; and, via United States Mail to: Jack Brown, Chief, Mt. Hope Police Department, 609 Main Street, Mt. Hope, West Virginia 25880.

/s/ Paul M. Blake, Jr.
Circuit Court Judge
12th Judicial Circuit

Presented by:

/s/ ANTHONY CILIBERTI, JR. (West Virginia State Bar No. 7609)
Prosecuting Attorney
108 East Maple Avenue
Fayetteville, West Virginia 25840
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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.courtswv.gov/e-file/ for more details.