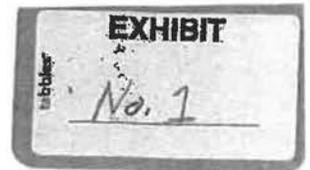


SCANNED



IN THE CIRCUIT COURT OF BARBOUR COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

VS.

FILED

FELONY NO: 20-F-28

FEB 19 2021

CARLI RENAE REED,

Barbour County Circuit Clerk

DEFENDANT.

SENTENCING ORDER

On the 2nd day of December, 2020, came the State of West Virginia by Thomas B. Hoxie, Prosecuting Attorney for Barbour County, West Virginia, and also came the Defendant, Carli Renae Reed in person and by counsel, Hunter B. Mullens, Esq., and C. Brian Matko, Esq. of Mullens & Mullens, PLLC, all for the purpose of a Sentencing Hearing and for a hearing on all other pending post-trial motions filed in this matter.

Following a jury trial held in the above-styled matter, on September 24, 2020, the Defendant, Carli Renae Reed, was found guilty of Second-Degree Murder and the Court **ORDERED** a Pre-Sentence Investigation to be completed prior to sentencing.

The Court has received the Pre-Sentence Investigative Report and inquired of counsel for the Defendant whether the report had been received and reviewed by counsel and the Defendant. Counsel for the Defendant advised the Court that the Pre-Sentence Investigative Report had been received and reviewed by the Defendant. Counsel for the Defendant further advised the Court that the Defendant did not find any errors in the Pre-Sentence Report. The Court, having inquired of the Prosecuting Attorney for Barbour County, West Virginia and Counsel for the Defendant, has determined that all parties have had the opportunity to review the Pre-Sentence Investigative Report and have discussed the report thereof made available to the parties pursuant to Rule 32(b) of the

West Virginia Rules of Criminal Procedure. The Pre-Sentence Investigation Report was filed and made a part of the record herein. The Court accepts the Pre-Sentence Investigation Report and incorporates it in the Court's Order.

Thereafter, the Court gave the State of West Virginia and the Defendant the opportunity to have witnesses provide testimony regarding sentencing. Ronald Fagons, father of Marcus Fagons, Selena Fagons, sister of Marcus Fagons, and Aaron Fagons, brother of Marcus Fagons, provided statements to the Court in which they requested that the maximum sentence be imposed. Pastor Downing Gregory, Sally Collins, grandmother of Marcus Fagons, Tracy McCartney, aunt to Marcus Fagons and Stephanie Reed, mother of the Defendant, provided statements to the Court and requested leniency for the Defendant, Carli R. Reed. Counsel for the Defendant further stated to the Court that a juror on the case had written the Court and requested leniency for the Defendant.

The Court then advised the Defendant of her right of allocution before Sentencing, which the Defendant declined due to the advice of counsel as the Defendant still has appeal rights in this matter, Counsel for the Defendant spoke on the Defendant's behalf and requested that the Court allow the Defendant the opportunity to enroll in an inpatient mental health facility and to sentence the Defendant to home confinement, and in the alternative argued for leniency.

Based upon the aforementioned Pre-sentence Investigation, proffers of counsel, all testimony and evidence from the Trial, and upon review of the record, herein, the Court makes the following **FINDINGS OF FACT and CONCLUSIONS OF LAW:**

1. The Defendant's testimony at trial was completely unbelievable concerning the events of the day on August 15, 2019.

2. This case has been disturbing from the beginning and will have a ripple effect for many years for both the victim's and defendant's family.
3. The officer's bodycam footage that was introduced into evidence shows that the victim did not die peacefully and quickly, but he suffered and died slowly and mostly alone.
4. The Defendant's actions on the day she shot her husband were not consistent with a battered woman.
5. The Defendant's actions and inactions after she shot her husband demonstrated coldness and lack of empathy for the victim.
6. At the time the Defendant shot the victim, the victim was not a threat or posing an imminent danger to the Defendant's safety.
7. The Defendant did not allege self-defense at any time prior to or during the trial.
8. The Defendant had a good support system and could have left the marriage without difficulty.
9. The Defendant's actions are not acceptable in society when the correct remedy from the marriage would have been for her to leave.
10. The Defendant's decision to murder the victim rather than leave demonstrates her inability to weigh consequences, which makes her a danger to society.
11. The Defendant took the life of a young man who will never live up to his full potential and the pain and suffering she caused will be revisited every holiday and every birthday for years to come by the victim's family.
12. Both Dr. Freemow and Dr. Clayman found the Defendant at risk for suicide.
13. The Defendant is a danger to herself and to society.

14. Home Incarceration would not be an appropriate option for the Defendant given the above-stated issues or be in the interest of justice.

15. The jury gave the Defendant all the consideration and leniency she was entitled to by finding her guilty of second-degree murder.

The Court, finding nothing further to delay judgment and sentencing with regard to the Defendant's conviction of Second-Degree Murder

Thereupon **ORDERED** that the Defendant, Carli Renae Reed, upon her conviction of Second-Degree Murder, based upon all findings of fact and conclusions of law herein, be sentenced in accordance with the West Virginia Code to imprisonment in the West Virginia State Penitentiary to a definite term of forty (40) years. The Defendant is given credit for all time served in the Central Regional Jail.

It is further **ORDERED** that the Defendant be remanded to the WV Division of Corrections and Rehabilitation for disposition in accordance with this Order.

All other motions heard will be addressed by separate Order.

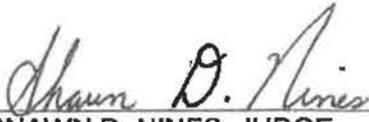
The Court also instructed the Defendant on the Defendant's right to appeal her conviction and this sentence and in accordance with the same, **ORDERED** that the Defendant SHALL have the right to file an appeal with the West Virginia Supreme Court of Appeals by filing a Notice of Appeal within **thirty (30) days** from the entry of this Order as set forth below and by filing a petition for appeal with the West Virginia Supreme Court of Appeals within **four (4) months** and otherwise complying with the West Virginia Supreme Court of Appeals Rules and Appellate Procedure.

The Defendant objected to the Court's rulings, findings of fact and conclusions of law contained herein, and the Court notes and preserves the Defendant's objections and exceptions to all of its rulings, findings of fact and conclusions of law.

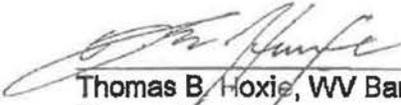
The Court further **ORDERED** that the Defendant shall pay all court costs, including any and all regional jail fees, at the current per diem rate, attorney fees, and restitution assessed by the Clerk in this matter within one (1) year from release.

It is further **ORDERED** that the Circuit Clerk shall send certified copies of this Order to the following: Thomas B. Hoxie, Esq. Prosecuting Attorney for Barbour County, West Virginia; Hunter B. Mullens, Esq. Counsel for the Defendant; the Probation Office; and the West Virginia Division of Corrections and Rehabilitation.

ENTER: 02-19-2020


SHAWN D. NINES, JUDGE

Approved as to form:


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