

**In the Circuit Court of Fayette County, West Virginia**

**State of West Virginia,**  
Plaintiff,

v.

**JULIE D. BROWNING,**  
Defendant

Case No. CC-10-2020-F-75  
Judge Paul M. Blake, Jr.

**SENTENCING ORDER**

On the Twelfth day of August , 2022, came the State of West Virginia by Brian D. Parsons, Special Prosecuting Attorney; the defendant, appearing in person and by counsel; for the purpose of imposition of sentence and a hearing upon the defendant's application for probation heretofore made, pursuant to the conviction for the felony crime of CHILD NEGLECT RESULTING IN DEATH as set forth in Count Two of the instant Indictment by virtue of a guilty verdict returned by the petit jury in this matter.

Whereupon, the Court reviewed the report prepared by the Probation Department and addressed the issue of additions or corrections to said report.

The Court, thereupon, offered all parties, including the defendant, an opportunity to speak in open court prior to pronouncement of sentence. Thereupon, the defendant's counsel addressed the Court. The defendant did 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 defendant is sentenced to an indeterminate sentence of not less than Three (3) nor more than Fifteen (15) years in the State Penitentiary, plus court costs. The defendant is credited with 64 days' credit.

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 Court did not personally know Raylee Browning, but has had to live with the consequences of her death;
2. Raylee Browning should be buying school supplies and getting ready for the upcoming school year;
3. Any type of intervention would have saved the child's life;
4. The defendant accused Raylee Browning of faking the illness which led to her death.

To place the defendant on probation would unduly depreciate the seriousness of this offense.

Based thereon, it is further the **ORDER** and **JUDGMENT** of the Court that the defendant's application for alternative sentencing should be and the same is hereby **DENIED**. The sentence imposed herein is placed into full force and effect.

It is further the **ORDER** and **JUDGMENT** of this Court that the defendant shall be assessed all court costs associated with this matter.

The defendant was advised of appellate rights.

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. An attested copy of the Order shall be sent to Brian D. Parsons, Special Prosecuting Attorney, WVDOC and counsel for defendant.

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



**IN THE CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA**

**STATE OF WEST VIRGINIA**

**VS.**

**Case Nos.**

**20-F-74**

**20-F-75**

**20-F-76**

**MARTY L. BROWNING  
JULIE D. BROWNING  
SHERIE M. TITCHENELL,**

**DEFENDANTS.**

**CONVICTION ORDER**

This matter came on to be heard on the Sixth day of June, 2022, the State of West Virginia appearing by Brian D. Parsons, Chief Assistant Prosecuting Attorney for Raleigh County, as Special Prosecuting Attorney for Fayette County, and the defendant, Marty Browning, Jr., appearing in person and by his counsel, Steve Mancini, the defendant, Julie Browning, appearing in person and by her counsel, Mark Plants and the defendant, Sherrie Tichenell, appearing in person and by her counsel, Evan Dove for the purpose of a trial by jury of the above-captioned criminal matters.

Whereupon, the defendants having been informed of the charges contained in the above-captioned felony indictments and having entered pleas of not guilty to the charges therein, there was duly chosen, impaneled and sworn a lawful jury.

The jury heard the opening statements of counsel for the State and counsel for the defendants. The jury then heard the evidence and testimony presented on behalf of the State of West Virginia.

Whereupon, at the close of the State's case in chief and out of the presence of the jury, counsel for the defendants moved the Court to grant a judgment of acquittal as to the charges contained in the Indictment, to which motion the State objected. The Court, after mature consideration, finds that viewing the evidence in a light most

favorable to the State, the defendants' motion for judgment of acquittal is hereby **DENIED.**

Thereupon, the defendants were offered the opportunity to present evidence and testimony on each's behalf. The defendant, Marty Browning, Jr., after being advised by the Court, made a knowing, intelligent decision to not testify in his own defense. Defendants J. Browning and S. Tichenell opted to testify. The defense offered evidence and thereafter rested. The State presented no evidence in rebuttal.

Thereupon, the jury heard the instructions of the Court and the closing arguments of counsel and retired to its jury room to consider of its verdicts. After a time, the jury returned to the courtroom with the following verdicts:

**JURY VERDICT – COUNT ONE**

We, the jury, find the defendant, Marty Browning, Jr., not guilty of CHILD ABUSE RESULTING IN DEATH, a felony, as charged in Count One of the Indictment 20-F-74.

June 13, 2022  
DATE

/s/ Robert Bailey  
JURY FOREPERSON

**JURY VERDICT – COUNT TWO**

We, the jury, find the defendant, Marty Browning, Jr., guilty of CHILD NEGLECT RESULTING IN DEATH, a felony, as charged in Count Two of the Indictment 20-F-74.

June 13, 2022  
DATE

/s/ Robert Bailey  
JURY FOREPERSON

**JURY VERDICT – COUNT ONE**

We, the jury, find the defendant, Julie Browning, not guilty of CHILD ABUSE RESULTING IN DEATH, a felony, as charged in Count One of the Indictment 20-F-75.



June 13, 2022  
DATE

/s/ Robert Bailey  
JURY FOREPERSON

**JURY VERDICT – COUNT TWO**

We, the jury, find the defendant, Julie Browning, guilty of CHILD NEGLECT RESULTING IN DEATH, a felony, as charged in Count Two of the Indictment 20-F-75.

June 13, 2022  
DATE

/s/ Robert Bailey  
JURY FOREPERSON

**JURY VERDICT – COUNT ONE**

We, the jury, find the defendant, Sherrie Tichenell, not guilty of CHILD ABUSE RESULTING IN DEATH, a felony, as charged in Count One of the Indictment 20-F-76.

June 13, 2022  
DATE

/s/ Robert Bailey  
JURY FOREPERSON

**JURY VERDICT – COUNT TWO**

We, the jury, find the defendant, Sherrie Tichenell, guilty of CHILD NEGLECT RESULTING IN DEATH, a felony, as charged in Count Two of the Indictment 20-F-76.

June 13, 2022  
DATE

/s/ Robert Bailey  
JURY FOREPERSON

Whereupon, the Court inquired of the jury if said verdicts were the verdicts of each and every one of the jurors to which all jurors responded affirmatively. The Court inquired of counsel if they would like to have the jurors individually polled, which defense counsel requested and the jury was thereupon polled with each juror answering in the affirmative as to all verdicts.

The Court and counsel inspected the verdict forms and found them to be in proper form.

Thereupon, the Court expressed its appreciation to the jury and excused the jury

from further service in this matter.

The Court does hereby accept the jury's verdicts in this matter. The Court further **ADJUDGES** the defendants **GUILTY** of the felony offense CHILD NEGLECT RESULTING IN DEATH as charged in Count Two of Indictment No. 20-F-74,75 and 76.

It is, therefore, further **ORDERED** that sentencing in this matter is deferred until **August 12, 2022, at 9:00A.M.** for Marty Browning, **10:00 a.m.** for Julie Browning and **11:00 a.m.** for Sherie Titchenell, pending the pre-sentence investigation report to be prepared by the Probation Department of this Court.

Whereupon, the Court advised counsel for the defendant that any post-trial motions must comply with the West Virginia Rules of Criminal Procedure.

The State of West Virginia moved to revoke the defendants' bond, to which the defendants objected and thereafter the Court **REVOKED** the defendants' bond, and the defendants are hereby **REMANDED** to the Southern Regional Jail pending the Sentencing Hearing.

The Clerk of this Court shall forward attested copies of this order to Brian D. Parsons, Chief Assistant Prosecuting Attorney for Raleigh County, counsels for defendants; Fayette County Probation Department and Sgt. J. Pack, OHPD.

**/s/ Paul M. Blake, Jr.**  
Circuit Court Judge  
12th 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.courtswv.gov/e-file/](http://www.courtswv.gov/e-file/) for more details.