

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

**State of West Virginia,**  
Plaintiff,

v.

Case No. CC-10-2020-F-74  
Judge Paul M. Blake, Jr.

**MARTY L. BROWNING,**  
Defendant

**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 78 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