

IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

VS.

INDICTMENT NO. 21-F-242-DS

MONICA HARTWELL

ORDER

On this day, August 9, 2022, this matter comes on for a pre-trial hearing. There appearing in Court are Monica Hartwell (hereinafter the "Defendant"), led to the bar of the Court in the custody of the Sheriff, and by counsel, Ryan Flanigan; and the State of West Virginia by Brian K. Cochran, her Prosecuting Attorney.

The Defendant, by counsel, informed the Court that she withdraws her insanity defense as trial strategy.

The Court makes the following rulings regarding the outstanding motions:

1. The State's Motion-in-Limine to bar the Defendant from arguing, mentioning or referencing anything regarding her mental state, condition or defense is **GRANTED**;
2. The Defendant's motion to dismiss is hereby **DENIED**;
3. The Defendant's motion to suppress her statement regarding the location of the gun is **DENIED**;
4. The Statement of the Defendant to the neighbors is **ADMITTED**;
5. The Court **ORDERS** Brian Smith's comments be **ADMITTED**, and
6. The Court **ORDERS** Brian Smith's recorded statement can only be played if defense questions his credibility.

The Defendant, by counsel, stipulates to the authenticity of the 911 calls and further stipulates to the chain of custody of exhibits and photos.

After due consideration, it is the **ORDER** and **DECREE** of this Court that the trial in this matter will commence for trial on **August 10, 2022 at 9:30 a.m.**

And the Defendant is remanded to the Southern Regional Jail.

The Clerk shall forward a copy of this Order to counsel for the Defendant the Southern Regional Jail.

Prepared By:

/s/Brian K. Cochran
Brian K. Cochran
Prosecuting Attorney
State Bar ID: 10503

/s/ Derek C. Swope
Circuit Court Judge
9th Judicial Circuit

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IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

VS.

INDICTMENT NO. 21-F-242-DS

MONICA HARTWELL

ORDER

On this day, September 22, 2022, this matter comes for a sentencing hearing. There appearing in Court are the State of West Virginia by Brian K. Cochran, her Prosecuting Attorney; Monica Hartwell (hereinafter the "Defendant"), led to the bar of the Court in the custody of the Sheriff, and by counsel, Ryan Flanigan.

The Defendant, by counsel, moves the Court for a new trial. The Court **DENIES** the Defendant's motion.

The Defendant, by counsel, moves the Court for a Judgment of Acquittal. The Court **DENIES** the Defendant's motion.

The Court heard sworn testimony from Teresa Quesenberry, the Defendant's sister and Defendant, Monica Hartwell, as called upon by counsel for the Defendant.

Thereupon, the Court having received the report of the pre-sentence investigation from the Probation Department of this County and Court, and after considering said report and the statements of counsel and the Defendant, the Court **FINDS** that the Defendant is not a fit and proper person for alternative sentencing for the following reasons: (1) there is a substantial risk that the Defendant will commit another crime during any period of alternative sentencing; (2) alternative sentencing would unduly depreciate the seriousness of the Defendant's crime; (3) the public good would not be served by granting the Defendant an alternative sentence and (4) the

public good would be served by the Court imposing a sentence of actual incarceration.

Whereupon, the Court inquired of the Defendant if she had anything else to say for herself as to why the Court should not immediately pronounce judgment against her, and nothing being offered or alleged in delay of judgment, it is the **ORDER** and **DECREE** of this Court that the defendant be and is hereby **ADJUDGED** guilty of the offense of “**Murder – Second Degree**”, as the State in Count 1 of its Indictment herein hath alleged and by a jury she hath been found guilty and that she be taken from the bar of this Court to the Southern Regional Jail for the determinate term of **forty (40) years** as provided by law; that the Defendant receive seven hundred eighty-nine (789) days credit for time served on said sentence, this being the time she has been confined on said charges and that she be dealt with in accordance with the rules and regulations of that institution and the laws of the State of West Virginia.

Additionally, it is the **ORDER** and **DECREE** of this Court that the Defendant be assessed all court costs which shall be paid within one (1) year of her release from the Southern Regional Jail, or her driver’s license will be subject to suspension.

The Court suggests that the physician provide the maximum amount of mental health treatment while the Defendant is incarcerated.

The Defendant is provided with post-conviction rights.

And the Defendant is remanded to the Southern Regional Jail.

The Clerk shall forward a copy of this Order to counsel for the Defendant, the Southern Regional Jail, and the Adult Probation Department.

Prepared By:

/s/Brian K. Cochran

Brian K. Cochran
Prosecuting Attorney
State Bar ID: 10503

/s/ Derek C. Swope
Circuit Court Judge
9th Judicial Circuit

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