

In the Circuit Court of Mingo County, West Virginia

State of West Virginia,
Plaintiff,

v.

Case No. CC-30-2022-F-135
Judge Miki J. Thompson

Heath Allen Rose,
Defendant

Sentencing Order

On the 12th day of January, 2023, appeared the Defendant, Heath Allen Rose, in person and by counsel, Jeffrey S. Simpkins, and the State of West Virginia, by Mingo County Prosecuting Attorney, Jonathan "Duke" Jewell, for a sentencing hearing previously scheduled for this date after the Defendant's conviction of guilty on the 5th day of December, 2022, to one (1) count of Second Degree Murder, a lesser charge of first degree murder, as charged in Count I of Indictment No. 22-F-135, a violation of West Virginia Code §61-2-3, and two (2) counts of Wanton Endangerment, a violation of West Virginia Code §61-7-12, as charged in Counts II and III of Indictment No. 22-F-135.

After careful consideration of the pre-sentence investigation report, arguments of counsel, Defendant's allocution, victim impact statement and full record herein, the Court hereby incorporates by reference its findings made on the record and does ADJUDGE, ORDER and DECREE that the Defendant shall be taken from the bar of this Court to Southwestern Regional Jail to be kept, confined and subject to all rules and regulations thereof and be delivered to the custody of the West Virginia Division of Corrections to be transported to a state correctional facility to be kept and confined as follows:

- COUNT I: Second Degree Murder - West Virginia Code §61-2-3
– definite term of forty (40) years;
- COUNT II: Wanton Endangerment – West Virginia Code §61-7-12 – definite term of ten (10) days;
- COUNT III: Wanton Endangerment - West Virginia Code §61-7-12 – definite term of five (5) years.

It is further ORDERED that the sentences for Counts II and III shall run concurrent to each other, and shall run consecutive to the respective sentence of Count I.

It is further ORDERED that the Defendant's request for probation and/or alternative sentencing is DENIED.

It is further ORDERED that the Defendant shall receive credit for three hundred thirty (330) days served at Southwestern Regional Jail, or any other jail facility.

It is further ORDERED that the Defendant shall be assessed all standard court costs, fines and fees, and an additional fine of \$2,500.00 to be assessed on Count II.

It is further ORDERED that the Defendant's counsel shall be given ten (10) days to file any written objections to this Sentencing Order. If no such objections are timely filed, this Sentencing Order shall continue with full force and effect.

It is further ORDERED that the Clerk shall forthwith prepare the necessary commitment papers to effect the sentence imposed herein and forward a certified copy of this Sentencing Order to Southwestern Regional Jail and the West Virginia Division of Corrections.

It is further ORDERED that the Clerk shall forward a certified copy of this Sentencing Order to counsel of record and the Mingo County Probation Office.

It is further ORDERED that the Clerk shall forward a certified copy of all orders granting release on probation, refusing such release in felony cases and revoking any previous orders to the West Virginia Board of Probation and Parole within five (5) days after the entry date thereof pursuant to West Virginia Code §62-12-8.

Prepared by:

/s/ Jonathan "Duke" Jewell
Mingo County Prosecuting Attorney
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Approved by:

/s/ Jeffrey S. Simpkins
Counsel for Defendant
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/s/ Miki J. Thompson

Circuit Court Judge
30th 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/ for more details.