

IN THE CIRCUIT COURT OF TAYLOR COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,
Plaintiff,

vs.

CIRCUIT COURT CASE NO.: 23-F-74

CARLI REED,
Defendant.

SENTENCING ORDER

ON THIS the 28th day of March, 2024, came the State of West Virginia and the Defendant in the above captioned case for sentencing in the Circuit Court.

1. Appearances:

- a. The State of West Virginia, by its Special Prosecuting Attorney, Michael W. Parker;
- b. The Defendant, in person and by Hunter B. Mullens, Esquire and C. Brian Matko, Esquire.

2. Issues Addressed:

- a. Sentencing

3. Presentence Investigation Report:

The Parties advised the Court that they had received the presentence investigation report completed by the Barbour County Probation Office and the Court did accept the report and adopt the same as the Court's findings of fact and background of procedural history of the case.

4. Witnesses and Motions:

Counsel for the Defendant called Probation Officer Justin Carter and Dr. David Clayman, who was certified as an expert in clinical and forensic psychology, to the stand to testify on the Defendant's behalf concerning sentencing in the matter. The State was given the opportunity for cross examination. Counsel for the Defendant then presented the Defendant's motion to credit the Defendant for time spent on home confinement. The State opposed said motion. Further, counsel for the Defendant presented the Defendant's motion for an alternative sentence to the Court. The Court then gave Cherokee Phillips, the mother of the victim, and Selena Fagons, the sister of the victim, an opportunity to address the Court prior to sentencing in the matter. The State then presented its argument concerning sentencing in the matter, which is more fully laid out on the record in the above-styled case. The Court then gave the Defendant an opportunity to address the Court prior to sentencing in the matter.

5. Underlying Conviction:

The Defendant was convicted pursuant to a plea agreement entered into on the 26th day of September, 2023, whereby the Defendant having entered an *Alford* plea of guilty to one (1) count of Voluntary Manslaughter, a Felony, in violation of **W. Va. Code §61-2-4**, a

lesser included offense of Count 1 of the Indictment in the above-styled case, pursuant to the Conviction Order entered by this Court.

6. Sentencing:

The Court DENIED the Defendant's motion for credit for time spent while on home confinement. The Court specifically advised the Defendant on the record that, at the time bond was set, she may not receive credit for that time spent on home confinement pre-conviction or post-conviction. After reviewing the file and considering, all the information available to it during its lengthy oversight of this case, and the testimony and argument presented at today's hearing, the Court FINDS and/or CONCLUDES:

Defendant pled to Voluntary Manslaughter, which carries with it the necessary element of the 'intent to kill.' Defendant's intent to kill lead to conduct that the Court cannot take lightly and given the specific circumstances of this case cannot allow to be minimized simply by the passage of time. Defendant's crim not only took the life of the victim, but has and will continue to have ripple effects on countless family members for years to come. Given the posture of this case, having been remanded for a new trial after a jury verdict to Second Degree Murder, the Court believes that the Defendant already received substantial consideration in the current plea agreement which significantly reduced her possible sentence. Lastly, the underlying crime was one of violence involving Defendant's use of a firearm.

As such, the Court DENIED the Defendant's motion for an alternative sentence and ORDERED that the Defendant shall be and is hereby sentenced to incarceration for fifteen (15) years in the state penitentiary for the offense of one (1) count of Voluntary Manslaughter, a Felony, in violation of **W. Va. Code §61-2-4**, a lesser included offense of Count 1 of the Indictment in the above-styled case. The Court further noted that, at the plea hearing in the above-styled case, the Defendant, after having the opportunity to consult with counsel and her family, waived her right to seek or accept parole until she serves at least one-third (1/3) of any sentence imposed by the Court. The Court specifically advised the Defendant that if she were to seek parole or take any action whatsoever to obtain parole prior to serving at least one-third (1/3) of her sentence, it could result in the plea agreement being set aside. The Defendant objected to said sentence and the Court ORDERED that any objections to the sentence shall be filed in writing with the Court.

7. Commitment:

The Defendant was committed to the custody of the West Virginia Division of Corrections and Rehabilitation to serve the sentence lawfully imposed herein above.

8. Court Costs:

The Defendant was assessed court costs, which were paid in full subsequent to the sentencing hearing.

9. Felony Conviction:

- a. The Defendant is advised that it is unlawful pursuant to United States Code Title 18 § 922 for any person having been convicted in any Court of a felony to ship or transport in interstate or foreign commerce, or possess in or effecting commerce, any firearm or ammunition, or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce. The Defendant is further advised that

it is unlawful pursuant to *W. Va. Code* §61-7-7 for any person having been convicted in any court of a crime punishable by imprisonment for a term exceeding one year to possess a firearm and for any person having been convicted of a crime of violence against another, both of which are applicable to the Defendant in this case.

- b. The Defendant is advised that, pursuant to *W. Va. Code* §61-11-18(b), punishment may be enhanced for a second criminal conviction that is a “qualifying offense” subsequent to this felony conviction. The Defendant is advised that pursuant to *W. Va. Code* §61-11-18(d), that she may be sentenced to confinement in a penitentiary for life for being convicted of a third “qualifying offense.” The Defendant is advised that her entry of a plea to this felony offense can be considered for sentencing enhancement purposes for future convictions, as it is a “qualifying offense.” The Defendant is advised that her entry of a plea to this felony offense can be considered for sentencing enhancement purposed for future felony convictions in both federal courts and other state courts pursuant to the Habitual Criminal Offenders Act or any other similar statute that may be applicable in said other jurisdiction.

10. Right to Appeal:

The Defendant was advised of her right to file a motion for a reduction of sentence. The Defendant was advised of her right to appeal the sentence of the Court to the West Virginia Supreme Court of Appeals. The Defendant was further advised that an attorney will be appointed to represent her in such appeal if she is unable to afford an attorney. Further, transcripts will be provided at no cost for the Defendant if she unable to afford the same.

11. Dates:

- | | |
|--------------------------------------|---|
| a. Conviction Date: | September 26, 2023 |
| b. Sentencing Date: | March 28, 2024 |
| c. Effective Sentencing Date: | November 18, 2020 (credit for 1,226 days served) |

There appearing to be nothing further to be done in this matter, the Clerk of the Court was ORDERED to close this case, strike it from the active docket of the Court, and send certified copies of this order to Michael W. Parker, Special Prosecuting Attorney; Hunter B. Mullens, counsel for the Defendant; C. Brian Matko, counsel for the Defendant; the Central Regional Jail; and the West Virginia Division of Corrections and Rehabilitation; Attn: Richard Doss, Record, 1409 Greenbrier St., Charleston, WV 25311, FAX 304-558-8430, no later than five (5) days after the entry of this order.

/s/ Shawn D. Nines
Circuit Court Judge
19th 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.