

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,
Plaintiff,

VS.

INDICTMENT NO. 18-F-140
JUDGE ALFRED E. FERGUSON

DANIEL MARCUS BATTLE,
Defendant.

LAROCK ORDER

On the 20th day of July, 2023, this matter came on for a LaRock Hearing, the defendant having previously been convicted of First Degree Murder on July 13, 2023. The defendant, Daniel Marcus Battle, appeared in person and by his counsel, R. Lee Booten, and the State of West Virginia came by Kellie M. Neal and Jonathan C. Sweeney, Assistant Prosecuting Attorneys, Cabell County, West Virginia. The same twelve (12) jurors that rendered the verdict in this case on July 13, 2023 returned to decide the issue of whether or not the Defendant, Daniel Marcus Battle, should receive mercy or no mercy for his First Degree Murder conviction.

Thereupon, on the 20th day of July, 2023, the Defendant, Daniel Marcus Battle, presented his evidence in the LaRock hearing and then rested. The State of West Virginia then proceeded to present its evidence in the LaRock hearing and then rested.

Thereupon, on the 20th day of July, 2023, after instructions by the Court on the issue of mercy/no mercy, the jury retired to consider it's verdict. Whereupon, after mature deliberation, the jury returned to the Courtroom on the 20th day of July, 2023 with the following verdict:

We, the jury, DO NOT RECOMMEND MERCY ³for the Defendant, Daniel Marcus Battle.

/s/ Jeanne Evans, FOREPERSON

The Court did then poll the jury and each juror did state that it was indeed their verdict which was read.

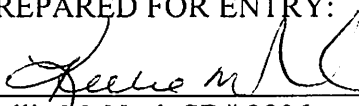
The Court did then proceed with sentencing, Upon the jury determining that the defendant, Daniel Marcus Battle should have no mercy on his conviction for First Degree Murder, it was the ORDER of the Court that the Defendant, Daniel Marcus Battle, be committed to the custody of the, West Virginia Division of Corrections for a period of life without mercy for his conviction of the charge of First Degree Murder as contained in Indictment No. 18-F-140.

The Clerk of this Court is hereby directed to provide a certified copy of this order to all counsel of record, the Western Regional Jail, the Cabell County Probation Department, and the West Virginia Division of Corrections.

ENTER:

ORDER: /s/ ALFRED E. FERGUSON
ALFRED E. FERGUSON, JUDGE

PREPARED FOR ENTRY:


Kellie M. Neal, SB# 2806
Assistant Prosecuting Attorney
Cabell County Courthouse
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Huntington, WV 25701
(304) 526-8653

STATE OF WEST VIRGINIA
COUNTY OF CABELL

I, MICHAEL J. WOELFEL, CLERK OF THE CIRCUIT
COURT FOR THE COUNTY AND STATE AFORESAID
DO HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE COPY FROM THE RECORDS OF SAID COURT
ENTERED ON 8-2

GIVEN UNDER MY HAND AND SEAL OF SAID COURT

THIS 2018

 CLERK
CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA