

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA.

STATE OF WEST VIRGINIA,
Plaintiff,

vs.

INDICTMENT NO. 03-F-53
JUDGE ALFRED E. FERGUSON

MICHAEL DAY,
Defendant.

ORDER

On this the 9th day of September, 2003, this matter came on for trial. The Defendant appeared in person and by counsel, John Laishley, and also came the State of West Virginia by its counsel, Christopher D. Chiles, Prosecuting Attorney, Cabell County, West Virginia, and Brent W. Walters, Assistant Prosecuting Attorney, and the defendant for plea in his behalf said that he was not guilty as charged in the above named case.

Thereupon, a Trial was scheduled in this case.

Thereupon, on the 9th day of September, 2003, the State of West Virginia and the defense proceeded to trial. On the 9th day of September, 2003, the State of West Virginia presented its evidence until the close of the day; On the 10th, 11th, and 12th days of September, 2003, the State continued presenting its evidence until the close of each day. Thereupon, on the 16th day of September, 2003, the State continued presenting its evidence in this case and rested. The Defense then presented its case and rested. The Court gave instructions, closing arguments were made, and the Jury retired to its room to consider its verdict.

On the 17th day of September, 2003, and after mature deliberation, the Jury returned to the Courtroom with the following verdict:

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2003 SEP 23 PM 2:33
ADELL CHANDLER
CIRCUIT CLERK
CABELL COUNTY
WEST VIRGINIA

The Jury finds the defendant, MICHAEL DAY, guilty of "1ST DEGREE MURDER", a provable offense as charged in Count I of Indictment No. 03-F-53.

The Jury further finds the defendant, MICHAEL DAY, guilty of "CONSPIRACY", a provable offense as charged in Count II of Indictment No. 03-F-53.

Carl Ray, FOREPERSON

Thereupon, the Court did revoke the Defendant's bond and remanded him to the Cabell County Jail. Further, the Court did set this matter down for a LaRock hearing on September 22, 2003, at 9:00 a.m.

ORDERED:

[Handwritten Signature]
Alfred E. Ferguson, Circuit Judge

APPROVED FOR ENTRY:

[Handwritten Signature]
CHRISTOPHER D. CHILES (#717)

[Handwritten Signature]
BRENT W. WALTERS (#8615)

ENTERED Circuit Court Criminal Order Book
No. 200 Page 111 - this 23 day of
Sept 2003

JOHN LAISHLEY (# _____)

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

Plaintiff,

v.

INDICTMENT NO. 03-F-58

MICHAEL D. DAY

Defendant.

ADMENDED ORDER OF COMMITMENT

9th 15 V-4 A 9 46
CABELL COUNTY
CIRCUIT CLERK
FILED

On this 17th day of September, 2003, came the attorney for the State of West Virginia and the defendant appearing in person and represented by John Laishley.

It is ADJUDGED that the defendant has been convicted by a plea of guilty to:

1ST DEGREE MURDER, Count I AND CONSPIRACY, Count III, and the Court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court, it is ADJUDGED that the defendant is guilty as charged and convicted. It is ADJUDGED that the defendant is hereby committed to the custody of the Warden of the West Virginia Penitentiary or his authorized representative for imprisonment for a period of: LIFE on Count I and One (1) to Five (5) years on Count III, said sentences to run concurrently. The defendant is assessed Five Thousand, Six Hundred and Forty-Nine Dollars and Thirty-Three Cents (\$5649.33), to be paid to the Clerk of the Circuit Court of

Cabell County, pursuant to Chapter 62, Article 5, Section 10 of the West Virginia Code as follows: \$30.00, Prosecuting Attorney; \$20.00, Circuit Clerk; \$400.00 Sheriff's Fees; \$40.00 Regional Jail Authority; \$5.00, Court Reporter; \$100.00 Crime Victims Compensation Fund; \$2.00 Law Enforcement; \$5.00, Court Security Fund; \$2489.67 Jury Fees-P; \$2489.66 Jury Fees-D; \$15.00 Courthouse Facilities Improvement Fund; \$50.00 Community Corrections; \$3.00, Community Corrections Conviction Fee; for a total assessment of \$5649.33.

CONVICTION DATE: September 17, 2003
 SENTENCE DATE: February 25, 2004
 EFFECTIVE SENTENCE DATE: December 9, 2002

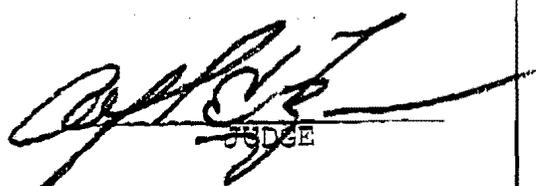
(442 days credit)

IT IS ORDERED that the Clerk shall forthwith transmit this record, duly certified, of the judgment and commitment to the Warden of the West Virginia Penitentiary and that this record serve as the commitment of the defendant.

CABELL COUNTY,
 SIGNATURES

TYPE/PRINT:

Alfred E. Ferguson
 JUDGE



Adell Chandler
 CLERK



Sue Cummings
 DEPUTY CIRCUIT CLERK



A TRUE COPY. Certified this 4th day of March 2004

ENTERED Circuit Court Criminal Order Book
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March 2004