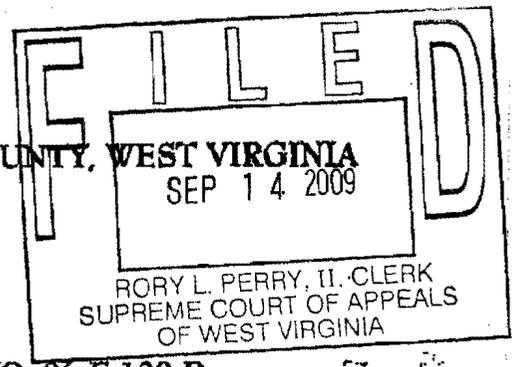


35297



IN THE CIRCUIT COURT OF LOGAN COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

Plaintiff

vs.

FELONY NO. 06-F-180-P

MARK GILLMAN,

Defendant

SENTENCE ORDER

RECEIVED & FILED  
2009 SEP 30 A 10:30  
ALVIN PORTER  
CLERK OF COURT

ON THIS THE 18<sup>TH</sup> DAY OF SEPTEMBER, 2008, came the State of West Virginia, by Jerry R. White, Assistant Prosecuting Attorney of Logan County, West Virginia, came the Defendant, by and with Counsel, Susan Van Zant, and also came Probation Officer, Kevin Runyon, pursuant to this date having been set by the Court to impose sentence on the Defendant.

WHEREUPON, on July 31, 2008, the Defendant by a jury of his peers was found Guilty of Murder in the Second Degree.

WHEREUPON, Counsel for the Defendant moved the Court to set aside the verdict for reasons as stated on record.

WHEREUPON, Counsel for the Defendant moved the Court for an Acquittal.

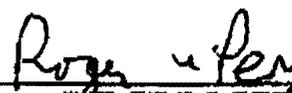
WHEREUPON, Counsel for the State objected to the Motion made by Counsel for the Defendant. Further, Counsel objects to probation due to this being a crime of violence. Further, the State requested that the maximum sentence of Forty years be imposed.

WHEREUPON, after hearing the arguments of Counsel, the Defendant was set to the bar of this Court and the Court inquired of the Defendant if he had or knew anything to say before the Court pronounced sentence upon him.

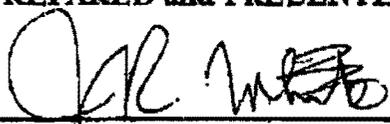
WHEREUPON, the Court perceiving nothing to hinder nor delay judgment thereon does hereby FIND and ORDER as follows:

1. That the Defendant is sentenced to Forty (40) years in the West Virginia State Penitentiary.
2. That the Defendant shall have the right to file an appeal.
3. That the Defendant shall receive credit for time served on home confinement and jail time served.
4. That the Defendant is remanded into custody to transfer him to the West Virginia Department of Corrections to begin serving said sentence.
5. That the Defendant has a period of ten (10) days within which to file any objections to this Order, in writing, and if no objections are filed, then this Court Order shall remain in full force and effect.
6. That the Clerk of this Court shall forward a certified copy of this Order to all counsel of record, the Southwestern Regional Jail, Division of Corrections and Probation Office.

ENTERED this the 30<sup>th</sup> day of September, 2008.

  
JUDGE ROGER PERRY

PREPARED and PRESENTED BY:

  
JERRY R. WHITE, WVSB ID#4013  
Assistant Prosecutor  
420 Main Street Suite 300  
Logan, West Virginia 25601  
(304) 792-8670

RECEIVED & FILED  
2008 SEP 30 A 10:37  
ALLEN COUNTY CLERK  
COURT HOUSE  
LOGAN, WV