

13-0778

JA

IN THE CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

VS:

**INDICTMENT NO. 12-F-77
PAUL M. BLAKE, JR., JUDGE**

**CHRISTOPHER COX
(DOB: 12-14-1984)
Defendant**

SENTENCING AND COMMITMENT ORDER

On the 25th day of June 2013, came the State of West Virginia by Prosecuting Attorney Carl L. Harris the defendant appearing in person and by his counsel, James A. Adkins; and the Probation Department of this Court appearing by Jerry Willoughby, for the purpose of imposition of sentence and a hearing upon the defendant's application for probation heretofore made, pursuant to the defendant's conviction by trial on April 30, 2013, to the charges of murder in the first degree, without a recommendation of mercy as charged in Indictment 12-F-77.

Whereupon, the Court reviewed the presentence report of the Probation Department and addressed the issue of additions or corrections to said report.

The Court, thereupon, offered all parties, including the defendant, an opportunity to address the Court prior to pronouncement of sentence. Counsel for the defendant addressed the Court on the defendant's behalf and the defendant addressed the Court.

The Court, after hearing comments of the parties and after having reviewed the presentence investigation report, makes the following findings:

1. The defendant is incarcerated at Mt. Olive Correctional Complex which is a

maximum security prison.

2. The defendant is around vulgar, violent people.
3. The defendant is 28 years old and has killed two people.
4. The defendant appears in court well mannered and well spoken.
5. Assuming the defendant's version of the altercation is true, spitting in the face was an insult but does not provide justification for beating the actor to death.
6. The evidence showed that the defendant and the victim were talking, the victim had turned to leave and was walking away when first struck by the defendant.
7. The evidence showed that the victim was on the ground in a fetal position and the defendant kept kicking him and when he was sprayed with mace he drug the victim away from the spray and still continued to kick him to death.
8. The defendant is a high school graduate.
9. The jury heard the defendant's testimony.
10. The defendant's criminal history is not bad until 2004 when he was charged with first degree murder and robbery which he pled to second degree murder and robbery. The sentences were ordered served consecutively.
11. The defendant had worked in construction prior to 2004.
12. The defendant does not have the appearance of a cold blooded killer, but evidently he fits that mold.

Upon consideration of all of which, in regard to the defendant's conviction of the felony offense of murder, as charged in Indictment 12-F-77, it is the **ORDER** and **JUDGMENT** of the Court that the defendant is hereby sentenced to the West Virginia State Penitentiary for life without mercy.

It is further **ORDERED** that the sentence imposed herein be served consecutively to the sentence the defendant is currently serving for second degree murder and robbery.

The effective date of this sentence shall be June 25, 2013.

The Court advised the defendant of his appellate rights with regard to the conviction herein and provided him with written notice thereof.

The defendant is hereby remanded to the custody of the Division of Corrections for execution of the above sentence.

It is further the **ORDER** and **JUDGMENT** of this Court that the Clerk of this Court shall complete the Court Disposition Reporting Form, DPS Form 29, and shall send the original of such form to the appropriate agency for recordation.

It is further the **ORDER** and **JUDGMENT** of this Court that the Clerk of this Court shall complete the Court Disposition Reporting Form, DPS Form 29, and shall send the original of such form to the appropriate agency for recordation. The Clerk is further directed to forthwith send an attested copy of this Order via facsimile machine to Dianne E. Skiles, Records Manager, West Virginia Division of Corrections, (304) 558-8430 and shall forward certified copies of this Sentencing and Commitment Order to the West Virginia Division of Corrections, 112 California Avenue, Building 4, Room 300, Charleston, West Virginia 25305-0280; Carl L. Harris, Prosecuting Attorney; James A. Adkins, counsel for defendant; Jerry Willoughby, Probation Officer and Christopher Cox c/o Mount Olive Correctional Complex, 1 Mountainside Way, Box 9, Mt. Olive, WV 25185.

ENTERED this 30th day of June 2013.

PAUL M. BLAKE, JR.
JUDGE

PAUL M. BLAKE, JR., JUDGE

A TRUE COPY of an order entered
June 30, 2013
Teste: Danielle W. Wright
Circuit Clerk Fayette County, WV

IN THE CIRCUIT COURT OF FAYETE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
Plaintiff

INDICTMENT NO.: 12-F-77
JUDGE PAUL M. BLAKE, JR.

v.

CHRISTOPHER D. COX
Defendant

ORDER APPOINTING APPELLATE COUNSEL

Wherefore the Defendant desires an appeal in this matter and was represented by the Fayette County Public Defender at trial. Whereas, the Defendant remains indigent and still qualifies for court appointed counsel. Whereas, for reasons stated on the record, it would be desirable for different counsel to handle the appeal in this case. Whereas, the Kanawha County Public Defender is a statewide resource for indigent criminal appeals.

It is the ORDER and JUDGMENT of the court that the Kanawha County Public Defender, Appellate Division is appointed to represent the Defendant in the appeal in this matter.

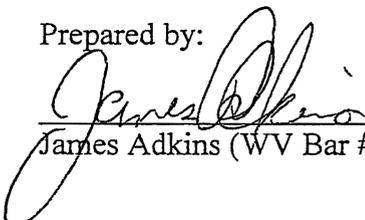
The Clerk is further ORDERED to forward copies of this order to the Prosecuting Attorney, Public Defender, and Gregory Ayers, Kanawha County Public Defender, P.O. Box 2827, Charleston, WV 25330-2827.

ENTER:

PAUL M. BLAKE, JR.
JUDGE

PAUL M. BLAKE, JR.
FAYETTE CIRCUIT JUDGE

Prepared by:



James Adkins (WV Bar # 9892)

A TRUE COPY of an order entered
June 27, 2013
Teste: Danielle E. Wright
Circuit Clerk Fayette County, WV