

STATE OF WEST VIRGINIA,
COUNTY OF MINGO, TO-WIT:

West Virginia Code §3-9-17 (b) and §3-2-2 (b)

1 ct. Illegal Voting

West Virginia Code §3-2-2 (b) and 3-2-32 (b)

1 ct. Unlawful Voting Registration

IN THE CIRCUIT COURT OF MINGO COUNTY:

The Grand Jurors of the State of West Virginia, on a vote of at least twelve (12), in and for the body of Mingo County, now attending the Circuit Court of Mingo County, upon their oaths present:

COUNT ONE

JAMES LEO MUNCY, on or about November, 2022, in Mingo County, West Virginia, did intentionally, knowingly, willfully and feloniously vote in the 2022 General Election when the said JAMES LEO MUNCY knew he was not legally entitled to do so due to his felony criminal conviction in the Circuit Court of Wayne County, West Virginia on or about October 22, 2021, for which he was still serving his sentence at all times material hereto, against the peace and dignity of the State and in violation of West Virginia Code §3-9-17 (b) and § 3-2-2 (b).

COUNT TWO

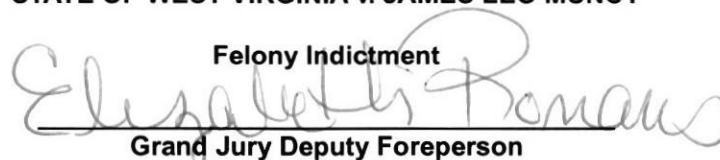
JAMES LEO MUNCY, who on or about October 22, 2021, in the Circuit Court of Wayne County, West Virginia, was sentenced to five (5) years of supervised probation for a conviction of a felony offense, thereby disqualifying the said JAMES LEO MUNCY from being legally entitled to register to vote or apply for a change of residence address, and the said JAMES LEO MUNCY, while still serving said sentence, did thereafter, on or about August 3, 2022, in Mingo County, West Virginia, intentionally, knowingly, and willfully, but not feloniously, register to vote or apply for a change of residence address, knowing or having reason to know, that he is not entitled to be so registered or to have his residence address changed on the registration record, against the peace and dignity of the State and in violation of West Virginia Code §3-2-2 (b) and §3-2-32 (b).

Found during the September 2023 Term upon the testimony of R. Hanson, Investigator, West Virginia Attorney General's Office, sworn in open court and sent before the Grand Jury to give evidence to that body.


Mingo County Prosecuting Attorney

STATE OF WEST VIRGINIA v. JAMES LEO MUNCY

Felony Indictment


Grand Jury Deputy Foreperson

Attest:


Mingo County Prosecuting Attorney

In the Circuit Court of Mingo County, West Virginia

State of West Virginia,
Plaintiff,

v.

Case No. CC-30-2023-F-109
Judge Miki J. Thompson

James Leo Muncy,
Defendant

Plea Order

On the 7th day of December, 2023, came the State of West Virginia, by Mingo County Assistant Prosecuting Attorney, Joshua S. Ferrell, and the Defendant, James Leo Muncy, in person and by counsel, David A. Foley, for a plea hearing.

Whereupon, the Court confirmed that the Defendant wanted to enter a guilty plea and that the Defendant read or had read to him, understood and executed a Petition to Enter Guilty Plea, Defendant's Statement in Support of Guilty Plea, and Guilty Plea.

Whereupon, the Court accepted the Defendant's guilty plea to one (1) count of Illegal Voting, as charged in Count One of this Indictment, a violation of West Virginia Code §3-9-7(b).

Whereupon, the Court obtained a factual basis for the guilty plea.

Whereupon, the Court ADJUDGED the Defendant convicted of Illegal Voting.

Whereupon, the Defendant was notified of post-conviction rights.

It is hereby ORDERED that a sentencing hearing shall be held on the 11th day of January, 2024, at 9:30 a.m.

It is further ORDERED that a pre-sentence investigation report shall be completed.

It is further ORDERED that the Defendant shall be released on post-conviction bond to await sentencing.

Prepared by:

/s/ Joshua S. Ferrell

Assistant Prosecuting Attorney
WVSB #11607
78 East Second Avenue, Suite 201
Williamson, WV 25661
(304) 235-0350

Approved by:

/s/ David A. Foley

Counsel for Defendant
WVSB #6586
P. O. Box 301
Williamson, WV 25661
(304) 235-6011

/s/ Miki J. Thompson

Circuit Court Judge
30th Judicial Circuit

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In the Circuit Court of Mingo County, West Virginia

State of West Virginia,
Plaintiff,

v.

Case No. CC-30-2023-F-109
Judge Miki J. Thompson

James Leo Muncy,
Defendant

Sentencing Order

On the 23rd day of January, 2024, appeared the State of West Virginia, by Mingo County Assistant Prosecuting Attorney, Joshua S. Ferrell, and the Defendant, James Leo Muncy, in person and by counsel, David A. Foley, for a sentencing hearing previously scheduled for this date after the Defendant's guilty plea on the 7th day of December, 2023, to one count of Illegal Voting, as charged in Count One of this Indictment, a violation of West Virginia Code §3-9-7(b).

After careful consideration of pre-sentence report, the arguments of counsel, Defendant's allocution and full record herein, the Court hereby incorporates by reference its findings made on the record and does ADJUDGE, ORDER, and DECREE that the Defendant shall be taken from the bar of this Court to Southwestern Regional Jail to be kept, confined and subject to all rules and regulations thereof and be delivered to the custody of the West Virginia Division of Corrections to be transported to a state correctional facility to be kept and confined as follows:

- Illegal Voting - West Virginia Code §3-9-7(b) - a definite term of five (5) years.

It is further ORDERED that Count Two of Indictment No. 23-F-109 be dismissed.

Accordingly, it is ORDERED that the Defendant's request for suspension of the sentence and probation is GRANTED.

It is further ORDERED that the sentence of the Defendant be suspended and the Defendant placed on supervised probation for a period of three (3) years.

It is understood and agreed that should the Defendant commit any probation violation, the Defendant shall report immediately to the Court to serve the sentence imposed.

It is further ORDERED that the Defendant shall receive credit for zero (0) days served at Southwestern Regional Jail or any other jail facility or on electronic home confinement relative to this charge.

It is further ORDERED that the Defendant shall be assessed all standard court costs, fines and fees.

It is further ORDERED that the Defendant shall provide a DNA sample to be used for DNA analysis pursuant to West Virginia Code §15-2B-6(c).

It is further ORDERED that the Defendant's counsel shall be given ten (10) days to file any written objections to this Sentencing Order. If no such objections are timely filed, this Sentencing Order shall continue with full force and effect.

It is further ORDERED that the Clerk shall forthwith prepare the necessary commitment papers and forward a certified copy of this Sentencing Order to Southwestern Regional Jail and the West Virginia Division of Corrections.

It is further ORDERED that the Clerk shall forward a certified copy of this Sentencing Order to counsel of record and the Mingo County Probation Office.

It is further ORDERED that the Clerk shall forward a certified copy of all orders granting release on probation, refusing such release in felony cases and revoking any previous orders to the West Virginia Board of Probation and Parole within five (5) days after the entry date thereof pursuant to West Virginia Code § 62-12-8.

Prepared by:
/s/ Joshua S. Ferrell
Assistant Prosecuting Attorney
WVSB #11607
78 East Second Avenue, Suite 201
Williamson, WV 25661
304-235-0350

Approved by:
/s/ David A. Foley
Counsel for Defendant
WVSB #6586
P. O. Box 301
Williamson, WV 25661
304-235-6011

/s/ Miki J. Thompson
Circuit Court Judge
30th Judicial Circuit

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