

**IN THE CIRCUIT COURT OF MONONGALIA COUNTY, WEST VIRGINIA
Division No. 2**

STATE OF WEST VIRGINIA,

Vs.

**CASE NO. 13-F- 88
Offense(s):
Murder in the Second Degree
W.Va. Code §61-2-1**


**RACHEL SHOAF,
Defendant.**


WAIVER OF INDICTMENT

The defendant, in the presence of her attorneys, John Angotti and David Straface, and having been advised of her constitutional rights to have her case proceed by presentment to the Grand Jury, hereby waives that right in open Court and agrees that the above referenced charge may be filed against her by way of Prosecutor's Information.

Dated this 1st day of May, 2013.


Defendant


Counsel for Defendant


Counsel for Defendant

STATE OF WEST VIRGINIA
COUNTY OF MONONGALIA

STATE OF WEST VIRGINIA,

Vs.

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W.Va. Code §61-2-1

RACHEL SHOAF,
Defendant.

PROSECUTOR'S INFORMATION

The Prosecuting Attorney charges:

That on July 6, 2012, in Monongalia County, West Virginia RACHEL SHOAF, committed the offense of "Murder in the Second Degree" by unlawfully, feloniously, willfully, maliciously and intentionally causing the death of Skylar Neese by stabbing her and causing fatal injuries, in violation of W.Va. Code §61-2-1, as amended, against the peace and dignity of the State.

DATE: May 1, 2013

Marcia Ashdown
Marcia Ashdown, Prosecuting Attorney

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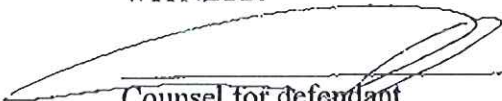
**RACHEL SHOAF,
Defendant.**

GUILTY PLEA

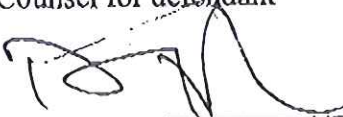
In the presence of John Angotti and David Straface, my counsel, who have fully explained the charge contained in the Information, and who have informed me of the maximum penalty provided by law, and who have informed me that I have a right to plead not guilty, or to persist in that plea if it has already been made, and who have informed me that if I plead guilty there will not be any further trial of any kind, so that by pleading guilty, I hereby waive my right to trial, and having received a copy of the Information before being called upon to plead, I hereby plead guilty to **Murder in the Second Degree**, a felony as charged in the Information.

Dated this 1 day of May, 2013.

WITNESS:


Counsel for defendant


Defendant


Counsel for defendant


Clerk

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PLEA AGREEMENT

On this 1 day of May, 2013, came the State by Marcia Ashdown, Prosecuting Attorney, and by Assistant Prosecuting Attorney Perri Jo DeChristopher, and also came the defendant, Rachael Shoaf, in person and with her attorneys, John Angotti and David Straface, and entered into a plea agreement in the above-styled case, subject to the approval of the Court, and they do hereby agree as follows:


1. The defendant will plead guilty to **Murder in the Second Degree**, a felony as charged by prosecutor's information.
2. All parties agree that the State of West Virginia maintains jurisdiction to prosecute the offense charged as part of this agreement, pursuant to *West Virginia v. Dennis*, 607 S.E.2d 437 (W.Va. 2004); *Heath v. Alabama*, 474 U.S. 82 (1965).
3. In recognition of the assistance to the investigation provided by the defendant, the State will recommend a sentence of twenty years of incarceration.
4. The defendant will make a sentence recommendation requesting that the Court sentence the defendant as a juvenile, pursuant to WV Code § 49-5-13(e) and/or any other form of alternative sentence. The State will oppose any such a request.
5. The defendant agrees she shall not challenge the validity of this criminal conviction by direct appeal in federal or state court, or in any legal proceeding including but not limited to state or federal habeas corpus petition.
6. In the event that this plea agreement is voided, all parties all parties agree that all parties will be returned to the legal positions that they occupied immediately prior to the initiation of this criminal prosecution. All parties

shall have the right to seek enforcement of this agreement in any court of law.


- 7. The defendant will be required to offer truthful and forthright testimony in any subsequent proceeding deemed necessary by the State of West Virginia or any other jurisdiction regarding the facts and circumstances of this crime.


Defendant


Prosecutor's Office


Counsel for Defendant


Clerk


Counsel for Defendant