

CAMPBELL CIRCUIT COURT
DIVISION NO. ONE

COMMONWEALTH OF KENTUCKY,)

Plaintiff,) NO. 07-CR-280

-VS-) AMENDED JUDGMENT AND SENTENCE
) ON PLEA OF NOT GUILTY (JURY TRIAL)

CHERYL MCCAFFERTY,)
Defendant.)

The defendant at arraignment having entered a plea of NOT GUILTY to the following charge MURDER and having on the 24th day of February, 2009, appeared in open Court with her attorneys, Hon. Deanna Dennison and Hon. Frank Mungo; the case was tried before a jury which returned the following verdict on March 9, 2009:

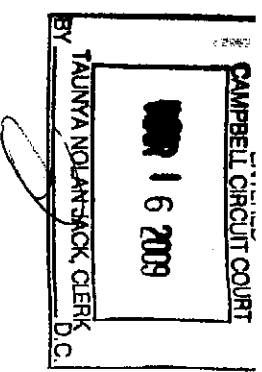
We, the Jury, find the Defendant, Cheryl McCafferty, GUILTY of
the offense of FIRST DEGREE MANSLAUGHTER under Instruction No. 7

/s/ Stacy Moree, Foreperson

This matter was continued for the sentencing phase until March 10, 2009.

Prior to commencement of the sentencing phase on March 10, 2009, counsel for the Commonwealth and the Defendant informed the Court they had reached a negotiated agreement as to the sentencing of the Defendant, including any right to file an appeal. Along with the Commonwealth, the Defendant appeared in open court on March 10, 2009, with her attorneys, Hon. Deanna Dennison, Hon. Frank Mungo and Hon. Keith Gambrel. Pursuant to the negotiated agreement on sentencing, the Commonwealth agreed to recommend a sentence of eighteen (18) years to serve at twenty-percent (20%) parole eligibility under K.R.S. § 439.3401(5) upon the agreement of the Defendant to waive her right to appeal any issues that may have arisen at trial. The Defendant further agreed to waive her right to the sentencing phase and waived her right to present evidence in mitigation of punishment during the sentencing phase. The Defendant also agreed to waive her right to a pre-sentence investigation prior the Court imposing the final sentence.

Finding that the Defendant understands the nature of the jury conviction against her, including the possible penalties, that the Defendant knowingly and voluntarily waives her right to the sentencing phase and the presentation of evidence in mitigation of punishment during the sentencing phase, her right to appeal any issues that may have arisen at trial, her right to a pre-sentence investigation prior to the Court imposing the final sentence, and finding that the agreement regarding



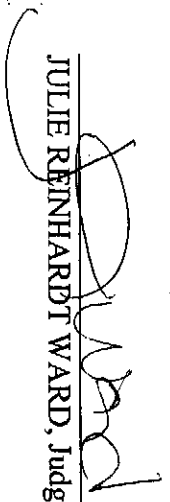
sentencing is voluntary, the Court accepts the negotiated sentence.

Having given due consideration to the negotiated agreement between the Commonwealth and the Defendant, as well as the Defendant's voluntary waiver of her rights and her voluntary acceptance of the terms of the negotiated agreement,

IT IS NOW, THEREFORE, ORDERED that the Defendant, having been convicted of the crime of 1st DEGREE MANSLAUGHTER, be sentenced to confinement in Kentucky Department of Corrections for a period of eighteen (18) years at a twenty-percent (20%) parole eligibility under K.R.S. § 439.3401(5).

Defendant shall pay \$155 in court costs herein to be paid beginning 30 days after release at the rate of \$50 per month through the Campbell County Clerk's Office until paid in full. Defendant shall receive jail custody credit to be calculated by the Division of Probation and Parole.

DATED: 3-11-09



JULIE REINHARDT WARD, Judge

CC: Commonwealth's Attorney
Division of Probation and Parole
Pretrial Services
Hon. Deanna L. Dennison
Hon. Frank M. Mungo
Hon. G. Keith Gambrel
Campbell County Detention Center