

MAGISTRATE COURT CRIMINAL
CONTINUATION SHEET

Additional Information from Form: _____

Page # 2, Section: _____

§61-8D-2a. Death of a child by a parent, guardian or custodian or other person by child abuse; criminal penalties.

(a) If any parent, guardian or custodian shall maliciously and intentionally inflict upon a child under his or her care, custody or control substantial physical pain, illness or any impairment of physical condition by other than accidental means, thereby causing the death of such child, then such parent, guardian or custodian shall be guilty of a felony.

(b) If any parent, guardian or custodian shall knowingly allow any other person to maliciously and intentionally inflict upon a child under the care, custody or control of such parent, guardian or custodian substantial physical pain, illness or any impairment of physical condition by other than accidental means, which thereby causes the death of such child, then such other person and such parent, guardian or custodian shall each be guilty of a felony.

(c) Any person convicted of a felony described in subsection (a) or (b) of this section shall be punished by a definite term of imprisonment in the penitentiary which is not less than ten nor more than forty years. A person imprisoned pursuant to the provisions of this section is not eligible for parole prior to having served a minimum of ten years of his or her sentence or the minimum period required by the provisions of section thirteen, article twelve, chapter sixty-two of this code, whichever is greater.

On or about the above date, September 24th, 2011, the three (3) year old child victim-Aliayah Lunsford died in Lewis County, WV. Said death did occur as a direct result of the child victim sustaining a blunt force strike to her head with a solid hand held object. The child victim was knowingly and intentionally struck by her mother/ the defendant-Lena Lunsford while inside their residence located in Lewis County, WV. Present witnesses observed the aforementioned strike and thereafter stated the child victim fell to the ground from the injury sustained to her head. Further information provided stated the defendant did NOT initially provide help/medical assistance to the child victim and additionally did not allow others present to provide medical assistance and/ or contact medical personnel to assist the child victim who was visibly suffering from trauma caused by the strike. Within hours of the strike, the child victim died. Thereafter, the defendant did knowingly and intentionally take steps to conceal the crime. These include, but are not limited to, originating a fictitious narrative regarding the death, destroying evidence, concealing the victim's body, and instructing witnesses to conceal the true circumstances of the victim's death. The defendant is the birth mother of the child victim and was under the care and custody of the defendant at the time of the incident. The aforementioned information is supported by direct witness testimony, officer and corroborative witness testimony and physical/photographic evidence. The aforesaid events did occur in Lewis County, West Virginia.

11-3-16
Date
Complainant Signature

State of West Virginia

Case No. 16-M21F-00140

☐ Misdemeanor/ ☒ FelonyLena Marie Lunsford
Defendant (Full Name)XXX-XX6677
Social Security Number08/16/1982
Date of Birth1414 San Juan Court Apt. 2
Address[REDACTED]
Driver's License / Identification Number

Clearwater, Florida. 33756

Phone Number(s)

City, State & Zip Code

CRIMINAL COMPLAINT

Mag. Ct. Criminal Procedure Rule 3, 4; 18U.S.C. §921(a)(33)

I, the undersigned complainant, upon my oath or affirmation, state the following is true and correct to the best of my knowledge and belief. On or about September 23rd, 2011 to September 24th, 2011 in Lewis County, West Virginia, in violation of West Virginia Code § (cite specific section, subsection, and/or subdivision, if applicable)

§61-8D-2a. Death of a child by a parent, guardian or custodian or other person by child abuse, the defendant did (state statutory language of the offense)

See attached

I further state that this complaint is based upon the following facts: See attached

Continued on an attached sheet? ☒ Yes ☐ No

(If this complaint involves misdemeanor assault/battery [West Virginia Code § 61-2-9] or misdemeanor domestic assault/battery [West Virginia Code § 61-27-281, check all that apply)

The defendant

- ☐ is/was the victim's spouse. ☒ is/was living with the victim as a spouse, parent, or guardian.
☒ is/was a parent or guardian of the victim. ☐ is a person who is like a spouse, parent, or guardian of the victim.
☐ has a child in common with the victim, ☐ has none of the above connections to the victim.

Complainant (who appears before Magistrate):

Deputy E.E. Carpenter
Complainant Name (Full Name)117 Court Ave,
AddressWeston, WV 26452
City, State & Zip Code304-269-8251
Phone Number(s)Deputy
Office or Title, if any

11-3-16

Date

Complainant Signature

On this complaint, sworn or affirmed before me and signed in my presence on this date by the complainant, the item(s.) checked below, apply:

Finding

- ☐ No probable cause found
☒ Probable cause found

Issuance

- ☐ Summons issued
☒ Warrant issued
☐ Warrantless arrest

Date

Magistrate Signature