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## KANAWHA COUNTY

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### State court upholds ruling against pastors

by Cheryl Caswell  
Daily Mail staff

CHARLESTON, W.Va.--The State Supreme Court has upheld the convictions and sentences of two pastors charged with the sexual abuse and assault of children.

Timothy C. Edmonds and Sandy Martin Cook each appealed their cases to the higher court after being convicted by juries in 2009.

Edmonds, 38, who was a former youth pastor at Chesapeake Apostolic Church, was convicted of sexually abusing a 16-year-old girl. He is serving 10 to 20 years in the penitentiary.

Cook, 50, was found guilty of the sexual abuse and sexual assault of three teenage boys who attended Shrewsbury Church of God in the 1990s. He was sentenced to 20 to 60 years in prison.

Cook, represented by Charleston attorney James Cagle, was seeking a reversal of his conviction on the grounds that he asserted due process violations due to the years that passed before he was arrested and charged, and the disproportionate sentencing.

The pastor contended that period of time between the sexual incidents and his indictment was "grand and impaired his ability to defend himself. Included in his argument was that his mother, who lives in the church parsonage, had since died and would have been a "crucial defense witness."

The Supreme Court justices did not agree and said Cook was unable to prove that the time frame resulted in prejudice against him or that his mother, if she could have testified, would have been able to disprove the allegations.

Cook also appealed his sentence, calling it "overly harsh" and referred to "his good character, his s

group and a psychologist's report."

But the justices noted that then-Kanawha Circuit Judge Irene Berger could have run all of his sent consecutively for a total of 56 to 180 years instead of concurrently.

The opinion states, "Given the clear legislative decision to impose stiff penalties on specified indivi acts of sexual abuse on children under their care, supervision or trust, we find no basis for determ sentence was constitutionally disproportionate to the grievous offenses for which he was convicted

In Edmonds' case, he claimed the state presented insufficient evidence at trial to establish that he position of trust" or that the 16-year-old victim was actually in his care at the time of the incidents

But the justices cited the evidence presented that Edmonds maintained a consistent presence at th church school and often assisted the victim with schoolwork.

They said there was sufficient testimony that he played an active role in the church, was sometime church bulletin as youth pastor and told the girl not to tell anyone about their relationship becaus allowed to preach anymore.

The justices said there was sufficient evidence to conclude that Edmonds exercised "care, custody the victim at the time of the sexual encounters for which he was convicted.

Judge Irene Berger was also the circuit judge presiding over Edmond's trial, and who sentenced h represented by court-appointed public defender Jason Parmer.

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