

11.29.06

IN THE CIRCUIT COURT OF BOONE COUNTY, WV  
STATE OF WEST VIRGINIA,

VS.

CASE NO. 03-F-57

CHARLES COWLEY,  
Defendant.

**SENTENCING ORDER**

On the 21<sup>st</sup> day of November 2006, appeared the State of West Virginia by J. Parker Bazzle, II, Assistant Prosecuting Attorney for this County, and appeared the defendant, Charles Cowley, in person and with L. Scott Briscoe and Matthew Hatfield, counsel for defendant, this day having been heretofore set for sentencing herein.

The Court was in receipt of a pre-sentence investigation report submitted by the Probation Officer for this County with regard to the defendant in this case. Said report was reviewed by both counsel for the State and said defendant and was then Ordered filed and made a part hereof.

And now proceeding to impose sentence in this case, it is the JUDGMENT and ORDER of this Court:

1. That the above-named defendant be taken from the Bar of this Court to the jail of this County, therein to be kept and confined, subject to all of the rules and regulations of that institution, until such time that said defendant can be transported and delivered to the penitentiary for this State, therein to be kept and confined for an indeterminate not less than ten (10) year nor more than twenty-five (25) years, upon the charge of "SEXUAL ASSAULT 2<sup>ND</sup> DEGREE", as charged in Count Five of the Indictment herein, subject to all of the rules and regulations of that institution, and to be further dealt with according to law;

2. That defendant shall be given credit for all time heretofore spent by him in confinement with regard to this case, which the Court determines to be 755 days and 28 days for substance abuse treatment, and all time from February

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4, 2006 to today, November 21, 2006;

3. That the defendant herein pay to the Clerk of this Court the costs of these proceedings, any jail fees, State witness fees Court-appointed attorney fees, and Court-appointed attorney's witness fees associated with this case as determined by the Clerk;

4. That any bond heretofore posted herein is hereby released; and

5. That the Clerk is directed to furnish a copy of this Order to Southwestern Regional Jail, to the West Virginia Department of Corrections, to counsel for defendant; and to the Prosecuting Attorney for this County upon entry thereof.

All of which is ADJUDGED and ORDERED.

Done this 29 day of November 2006.

ORDER

ENTER:

E. Lee Schmaegel, Jr.  
E. LEE SCHMAEGEL, JR., JUDGE

PRESENTED BY:

J. Parker Bazzle, II

J. PARKER BAZZLE, II, WV # 7692  
Assistant Prosecuting Attorney

APPROVED BY:

L. Scott Briscoe  
L. SCOTT BRISCOE, WV # 7424  
Counsel for Defendant

Matthew Hatfield  
MATTHEW HATFIELD, WV # 8710  
Counsel for Defendant

A COPY ATTEST

Shirley Ann Johnson

CIRCUIT CLERK

COMMITMENT

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA  
STATE OF WEST VIRGINIA

FELONY INDICTMENT NO.

VS.

CHARLES COWLEY

#03-F-57

ON THIS 21st day of NOVEMBER

XX2006 came the attorney for the state and the defendant appearing in person and represented by L. SCOTT BRISCOE AND MATTHEW HATFIELD, ESQUIRES

IT IS ADJUDGED that the defendant has been convicted / found guilty by a jury / upon plea of guilty, of the offense as charged: SEXUAL ASSAULT 2nd DEGREE

and the Court having asked the defendant whether he/she has anything to say why judgement should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Warden of the West Virginia Penitentiary or his authorized representative for imprisonment for a period of: NOT LESS THAN 10 (TEN) YEARS NOR MORE THAN TWENTY-FIVE (25) YEARS.

CONVICTION DATE: DECEMBER 16, 2005

SENTENCE DATE: NOVEMBER 21, 2006

EFFECTIVE SENTENCE DATE: DECEMBER 13, 2003

IT IS ADJUDGED that: DEFENDANT IS TO BE GIVEN CREDIT FOR TIME SPENT IN CONFINEMENT WHICH THE COURT DETERMINES TO BE 755 DAYS AND 28 DAYS FOR SUBSTANCE ABUSE TREATMENT, AND ALL TIME FROM FEBRUARY 4, 2006 TO NOVEMBER 21, 2006.

IT IS ORDERED that the clerk forthwith transmit this record, duly certified, of the judgement and commitment to the Warden of the West Virginia Penitentiary and that this record serve as the commitment of the defendant.

BOONE COUNTY,

Type/Print: E. LEE SCHLAEGEL, JR.  
JUDGE

SUE ANN ZICKEFOOSE  
CLERK

STEPHANIE RAMSEY  
DEPUTY CIRCUIT CLERK

Signatures:

*November 30, 2006*  
*[Signature]* JUDGE  
*[Signature]* CLERK  
*[Signature]* DEPUTY CIRCUIT CLERK

TRUE COPY. Certified this 30th day of NOVEMBER

XX 2006