

FILED
IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

2007 FEB 21 P 2:23

STATE OF WEST VIRGINIA,
Plaintiff,

vs.

ADELL CHANDLER
CIRCUIT CLERK
CABELL WV
INDICTMENT NO. 06-F-173
Judge Alfred E. Ferguson

EARL MONTY RUTHERFORD,
Defendant.

SENTENCING ORDER

On this the 20th day of February, 2007, came the defendant in person and by counsel, Mark Chaksupa, and also came the State of West Virginia by Sean K. Hammers, Assistant Prosecuting Attorney of Cabell County, West Virginia, for sentencing upon Indictment No. 06-F-173, pursuant to the defendant having previously been found guilty by a jury of his peers of the felony offense of "Delivery of a Controlled Substance" as contained in Indictment No. 06-F-173.

The Court afforded counsel for the defendant the opportunity to speak on behalf of the defendant and addressed the defendant personally and asked him if he wished to make a statement in his own behalf and/or to present any information in mitigation of punishment.

Further, the Court FINDS that the defendant has a prior felony drug conviction and is of the opinion to double his sentence as provided by law.

Thereafter, the Court then demanded of the said Earl Monty Rutherford if he had or knew anything to say why the Court should not proceed to pronounce the sentence of the law against him, and nothing being offered or alleged in delay of judgment, it is ORDERED that the defendant be committed to the custody of the Commissioner of Corrections for assignment to a

penitentiary of this State for a period of not less than two (2) nor more than thirty (30) years on Indictment No. 06-F-173, with credit for time served. It is the further ORDER of this Court that the defendant be fined in the amount of Three Thousand Dollars (\$3,000.00) on Indictment No. 06-F-173.

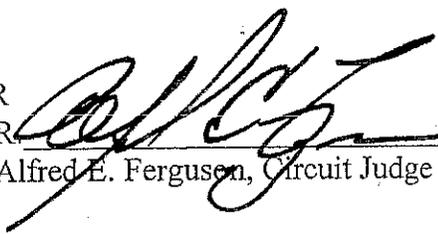
It is further ORDERED that the defendant be assessed in the amount of Seventy-Five Dollars on Indictment No. 06-F-173, pursuant to 62-5-10 of the West Virginia Code, to be paid to the Clerk of the Circuit Court for the Crime Victim's Compensation Fund.

It appearing to the Court that the bond previously posted in this matter is no longer required, it is hereby ORDERED that the Clerk of the Circuit Court deduct from said bond any court ordered fines and court costs and return the remainder of said cash bond to the surety. In the event that a property bond was posted in this matter, upon discharge and release of said bond, the clerk of this court shall provide a certified copy of said release to the county clerk of Cabell County for filing therein.

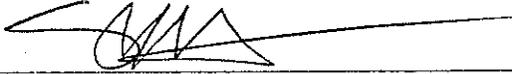
The Clerk of this Court is hereby directed to provide a certified copy of this order to all counsel of record and to the Western Regional Jail FORTHWITH.

There being nothing further to be done in this matter, it is hereby removed from the active docket of the Court.

ENTER
ORDER


Alfred E. Ferguson, Circuit Judge

PREPARED FOR ENTRY:


Sean K. Hammers, SB# ~~2806~~ 6324
Counsel for State

STATE OF WEST VIRGINIA
COUNTY OF MASON
I, Clerk of the Court, do hereby certify that the within and foregoing is a true and correct copy of the original as filed in the Court
2-21-07
JUL 12 2007
CIRCUIT COURT OF MASON COUNTY WEST VIRGINIA

ENTERED Circuit Court Criminal Order Book
No. 228 Page 103 this 21 day of
Feb 2007

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