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IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

Plaintiff,

vs.

CASE NO. 07-F-50

DAVID MATTHIAS MARTIN,

Defendant.

ENTERED
D.O.B. No. 2115
PAGE 1101

DEC 15 2008

CAROLE JONES
CLERK CIRCUIT COURT

ORDER

On this 15th day of December, 2008, came the State of West Virginia by Jason A. Wharton, Assistant Prosecuting Attorney in and for Wood County, West Virginia, Blair A. Tallman, Probation Officer, and the Defendant, in custody, and accompanied by his attorney, A. Joseph Munoz.

The Court, before imposing sentence, determined that the Defendant and his counsel have had the opportunity to read and discuss the pre-sentence investigation report submitted July 7, 2008, and the Addendum dated July 15, 2008, submitted by the Probation Officer, all of which are made available pursuant to the West Virginia Rules of Criminal Procedure.

The Court having asked the Defendant, Defendant's attorney, the attorney for the State and any victim(s) whether they had anything to say why the Court should not now proceed to pronounce sentence upon him according to law and nothing being offered or alleged in delay of sentence, it is, therefore, ADJUDGED that the Defendant is guilty upon his plea of guilty to the offense of *Breaking and Entering*, a felony, as charged in the Indictment.

Thereupon, the Court afforded the Defendant and his attorney the opportunity to speak on behalf of the defendant and asked the defendant personally if he wished to make

12/15/08 JAMES W. WILSON, CLERK
CL. COURT WVC

a statement on his own behalf and to present any information in mitigation of punishment and the attorney for the State having also been given an equivalent opportunity to speak to the Court, upon consideration thereof, it is ADJUDGED and ORDERED by the Court that the Defendant, upon his conviction for *Breaking and Entering* be committed to the custody of the Commissioner of the West Virginia Division of Corrections for confinement in the penitentiary for a period of not less than one (1) nor more than ten (10) years, with a credit of eighty-two (82) days previously served.

It is further ORDERED that the defendant pay to the Clerk of this Court the costs of his arrest and conviction, which said costs are as follows: Clerk's fee - \$105.00; Prosecuting Attorney Fee (old docket fee) - \$35.00; Law Enforcement Training Fee - \$2.00; Community Corrections Account Fee - \$10.00; Community Corrections Fund Fee - \$25.00; Crime Victim's Compensation Fee - \$50.00; Magistrate Court Fee - \$10.00; Court Reporter's Fee - \$30.00; for a total of \$267.00, plus counsel fees in the amount of \$500.00, said fees to be paid within five (5) years of the defendant's release from incarceration.

It is further ORDERED that the defendant submit a sample of his blood for DNA analysis pursuant to WV Code §15-2B, and that the North Central Regional Jail or their authorized agent and/or the West Virginia Division of Corrections shall perform said DNA Identification Testing on the defendant prior to his release, such testing being mandated by State law for the offense upon which the defendant has been convicted.

The Court having before him the report of the Probation Officer of this Court and having maturely considered said report and Defendant's motion for alternative sentencing heretofore made, is of the opinion that the character and the circumstances of the case indicate that the Defendant is likely to again commit crime and that the public good does require that the Defendant be imprisoned. It is, therefore, ORDERED that any motion for alternative sentence be denied.

Whereupon, the Court advised and informed the defendant of his right to appeal this case to the West Virginia Supreme Court of Appeals and the right to employ an attorney to represent him for legal assistance in making such appeal, and that if the defendant did not have available finances and means to employ such an attorney, an attorney would be appointed by the Court to represent the defendant in making such appeal, and a transcript of the proceedings will be provided to the defendant without charge if he is unable to afford the cost of such transcript.

Whereupon, the defendant is remanded to the custody of the Regional Jail Authority who shall deliver him to the duly authorized officials of the West Virginia Division of Corrections for execution of sentence.

ENTER:



J.D. Beane, Judge

IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,
Plaintiff,

v.

07-F-50

ENTERED
C.W.D.B. No. 20
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DAVID M. MARTIN,
Defendant.

CAROLE JONES
CLERK CIRCUIT COURT

**ORDER GRANTING DEFENDANT'S
MOTION FOR EXTENSION OF APPEAL TIME**

On a former date came the Defendant, DAVID M. MARTIN, by MICHELE RUSEN, his counsel and pursuant to Rule 37(b)(3) of the West Virginia Rules of Criminal Procedure requested additional time within which to file his Petition for Appeal.

The Court having examined said *Motion*, and it appearing to be proper and for good cause shown, it is accordingly **ORDERED** that the Defendant shall be granted an extension not to exceed two months within which to file a Petition for Appeal in this matter.

ENTERED this 8th day of April, 2009



J.D. Beane, Judge

Prepared by,



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