

IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

State of West Virginia

v.

Case No. 04-F-285-H

Dallas Hughes,

Defendant.

Entered in
0013 Order Book
No. 177 Page 425
This Nov. 13 day of
Nov., 2008

ORDER RESENTENCING DEFENDANT

On the 6th day of November, 2008 came the Defendant by and through his counsel, John J. Mize, on a Motion to Resentence the Defendant. The defendant waived his right to be present for the hearing. The defendant waived his right of allocution for sentencing. After consideration, the Court ORDERS the Defendant to be resented as follows:

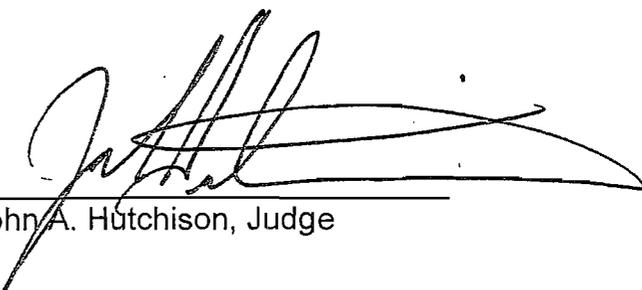
Life imprisonment with the recommendation of mercy on the first charges, *First Degree Murder by Use of a Firearm*, being a term of life imprisonment without parole eligibility until he serves a minimum of 15 years, sentenced to a term and period of five (5) years in the penitentiary on the charge of *Wanton Endangerment*, to a term and period of one (1) year in the Southern Regional Jail on the charge of *Fleeing in a Vehicle from Law Enforcement Officers* and to a term of six (6) months in the Southern Regional Jail on a charge of *Falsely Reporting and Emergency Incident*. These sentences pronounced herein as to Count 1 (*first degree murder*) and 3 (*wanton endangerment*) of the Indictment shall run *consecutively* with each other and *consecutively* with Counts 4 and 5, and Counts 4 (*fleeing in a vehicle from law enforcement officers*) and 5 (*falsely reporting an emergency incident*) shall run concurrently with each other but *consecutively* with Counts 1 and 3.

The State objects to this Motion. The Court notes the exception and objection of the State to this Motion.

The Court ODRDERS that the appeal period for appeal to the West Virginia Supreme Court of Appeals for the above referenced case shall begin as of the date of entry of this order.

The Clerk is ORDERED to send a copy of this order to Kristen, Keller, Chief Deputy Prosecuting Attorney, 112 North Heber Street, Beckley, West Virginia, 25801, to John J. Mize, 106 ½ South Heber Street, Suite One, Beckley, WV 25801, and to Dallas Hughes, DOC#41641, Mt. Olive Correctional Center, 1 Mountainside Way, Mt. Olive, West Virginia, 25185.

ENTERED this 12th day of November, 2008



John A. Hutchison, Judge

Prepared by:

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Attorney for the defendant