

35133

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

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DANIEL L. HOLSTEIN
KAWAWHA CO. CIRCUIT COURT

STATE OF WEST VIRGINIA

v.

07-F-289 Counts 2, 4, 6, 9, 10, 11, 12

DARRELL EUGENE SMITH

ORDER

The defendant, DARRELL EUGENE SMITH, who stands convicted by a jury verdict returned in this Court on the 24th day of July, 2008, on the charges of Sexual Abuse By a Custodian of a Child as contained in Counts 2, 4, 6, 10 and 12 of Felony Indictment No. 07-F-289, and Sexual Abuse in the First Degree as contained in Counts 9 and 11 of Felony Indictment No. 07-F-289, this day appeared in Court in the custody of the Sheriff, together with his counsel, Gail Michelson, Assistant Public Defender, and also came the State of West Virginia by Daniel L. Holstein, Assistant Prosecuting Attorney in and for Kanawha County, West Virginia.

THEREUPON, it was demanded of the said DARRELL EUGENE SMITH, if anything he had or knew to say why the Court should not now proceed to pronounce the sentence of the law against him, and no valid reason being offered or alleged in delay of judgment, it is considered and ORDERED by the Court as follows:

07-F-289 Count Two: That the defendant, DARRELL EUGENE SMITH, be sentenced and confined in the Penitentiary of this State for an indeterminate term of not less than ten (10) years nor more than twenty (20) years, with credit for time served while awaiting trial and conviction, which credit for time served is 104 ^{one hundred} days. ~~fourteen~~

07-F-289 Count Four: That the defendant, DARRELL EUGENE SMITH, be sentenced and confined in the Penitentiary of this State for an indeterminate term of not less than ten (10) years nor more than twenty (20) years. Said sentence shall run **CONSECUTIVE** to that certain sentence imposed this date in 07-F-289 Count Two.

144-149

07-F-289 Count Six: That the defendant, DARRELL EUGENE SMITH, be sentenced and confined in the Penitentiary of this State for an indeterminate term of not less than ten (10) years nor more than twenty (20) years. Said sentence shall run **CONSECUTIVE** to those certain sentences imposed this date in 07-F-289 Counts Two and Four.

07-F-289 Count Nine: That the defendant, DARRELL EUGENE SMITH, be sentenced and confined in the Penitentiary of this State for an indeterminate term of not less than one (1) year nor more than five (5) years. Said sentence shall run **CONCURRENT** to those certain sentences imposed this date in 07-F-289 Counts Two, Four and Six.

07-F-289 Count Ten: That the defendant, DARRELL EUGENE SMITH, be sentenced and confined in the Penitentiary of this State for an indeterminate term of not less than ten (10) years nor more than twenty (20) years. Said sentence shall run **CONCURRENT** to those certain sentences imposed this date in 07-F-289 Counts Two, Four, Six and Nine.

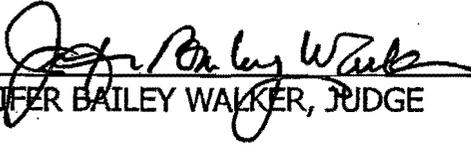
07-F-289 Count Eleven: That the defendant, DARRELL EUGENE SMITH, be sentenced and confined in the Penitentiary of this State for an indeterminate term of not less than one (1) year nor more than five (5) years. Said sentence shall run **CONCURRENT** to those certain sentences imposed this date in 07-F-289 Counts Two, Four, Six, Nine and Ten.

07-F-289 Count Twelve: That the defendant, DARRELL EUGENE SMITH, be sentenced and confined in the Penitentiary of this State for an indeterminate term of not less than ten (10) years nor more than twenty (20) years. Said sentence shall run **CONCURRENT** to those certain sentences imposed this date in 07-F-289 Counts Two, Four, Six, Nine, Ten and Eleven.

And it is hereby further ORDERED that the proper officer do, as soon as practicable, remove and safely convey the said DARRELL EUGENE SMITH to the custody of the Division of Corrections, there to be kept imprisoned and maintained in the manner prescribed by law.

WHEREUPON, the prisoner was remanded.

ENTERED this 13th day of November, 2008.


JENNIFER BAILEY WALKER, JUDGE

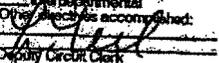
INSPECTED BY:



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RECORDED


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Date: 11-17-08
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