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SCANNED  
DATE  
5/20/09

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5/19/09

# IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

State of West Virginia

vs.

**Donald Lee Longerbeam,**

DOB 8 / 1 / 1953

SS# 232-90-3263

Defendant.

RECEIVED

MAY 27 2009

JEFFERSON COUNTY  
CIRCUIT COURT

Criminal Action #08-F-91

## SENTENCING ORDER

This **May 4, 2009**, the State, by **Brandon C. H. Sima, Esq.**, Assistant Prosecuting Attorney for Jefferson County; and the Defendant, in person and by counsel, **Don M. Wrye, Esq.**, appeared for Sentencing.

The Defendant was, on **March 4, 2009**, found guilty by a jury of Sexual Abuse By A Custodian Of A Child, the felony offense charged in **Count 3** of the Indictment, and is now adjudged convicted of said offense.

The Court first took up the Defendant's post-trial motions, considering the arguments of each side, and then denied such motions noting the objection of the Defendant. Next the Court entertained argument as to the appropriate sentence from counsel and a statement from the victim's mother and from the Defendant himself.

Finding no cause which would preclude Sentencing, and having heard all submissions with regard to the Pre-Sentence Report and the appropriate Sentence, and the Court being fully informed of the circumstances surrounding the charges,

**ACCORDINGLY:**

**IT IS THE SENTENCE OF THE LAW  
AND THE JUDGMENT OF THIS COURT:**

— Upon conviction for the felony of Sexual Abuse By A Custodian, being Count of Indictment, that

the Defendant be confined at the penitentiary house of this State for not less than **TEN (10) YEAR** nor more than **TWENTY (20) YEARS**, there to be dealt with according to law.

The State shall recover of the Defendant its costs in this behalf expended. The Defendant is entitled to a credit of 292 days for time he has served against this sentence.

It is further **ORDERED** that the Defendant is remanded to the Commissioner of the **Division of Corrections to begin serving the sentence herein imposed**. Until such time that a representative of the Division of Corrections takes custody of the Defendant, he is remanded to the temporary custody of the Superintendent of the Eastern Regional Jail, per diem cost associated with the Defendant's custody shall be paid solely by the Division of Corrections from the date of this Order.

**WHEREUPON**, the Court advised the Defendant of the rights regarding appeal, as will appear on the record.

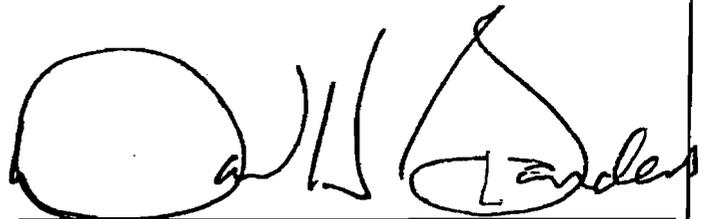
<b>DATE OF CONVICTION:</b>	March 4,	2009
<b>DATE OF SENTENCING:</b>	May 4,	2009
<b>EFFECTIVE DATE OF SENTENCE:</b>	July 16,	2008

The objection of the Defendant to any and all adverse rulings of the Court is noted.

The Clerk shall enter the foregoing as for the date first above written and shall forward attested copies to all counsel of record; to the Court's Probation Officer; to the Eastern Regional Jail; and to the Commissioner of the Department/Division of Corrections. The Clerk shall then retire this matter from the docket, placing it among causes ended and report the matter as disposed.

Entered: **May 27, 2009**

6cc  
B Sims  
O Wey  
PROB  
ERJ  
D.O.C  
PAROLE  
5/28/09  
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JUDGE OF THE CIRCUIT COURT

A TRUE COPY

ATTEST:

LAURA E. RATTENNI  
CLERK, CIRCUIT COURT  
JEFFERSON COUNTY, W.VA.

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BY \_\_\_\_\_  
DEPUTY CLERK