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J. McFarland



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1-23-09

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

v.

Criminal Action No. 08-F-64  
Honorable David H. Sanders

RICHARD LEWIS MORRIS,  
Defendant.

DOB: 02/16/1962  
SS#: 212-82-4986

Defendant.

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JAN 21 2009

JEFFERSON COUNTY  
CIRCUIT COURT

SENTENCING ORDER

This December 12, 2008, the State of West Virginia, by Jefferson County Assistant Prosecuting Attorney, Brandon C. H. Sims, and the defendant in person and by counsel, John S. McFarland, Esq. and appeared for Sentencing.

The Defendant was, on October 8, 2008, convicted after a trial by jury of DUI Causing Death, a felony as charged in Count I of the Indictment and two misdemeanor counts of DUI Causing Injury as charged in Counts II and III of the Indictment, and is now adjudged convicted of said offenses.

The Court first considered those post-trial motions filed on behalf of the Defendant. The issues were argued and the Court reaffirmed rulings previously made on the issues, denying those motions.

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 DUI Causing Death, as charged in Count I, that the Defendant be confined in the penitentiary house of this State for not less than two (2) YEARS nor more than TEN (10) YEARS there to be dealt with according to law.

Upon conviction for the misdemeanor of DUI Causing Injury, as charged in Count II, that the Defendant be confined in jail of this State for one (1) YEAR there to be dealt with according to law.

Upon conviction for the misdemeanor of DUI Causing Injury, as charged in Count III, that the Defendant be confined in jail of this State for one (1) YEAR there to be dealt with according to law.

The State shall recover of the Defendant its costs in this behalf expended.

It is further ORDERED that the Defendant is remanded to the Commission of the Division of Corrections to begin serving the sentence imposed herein. 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.

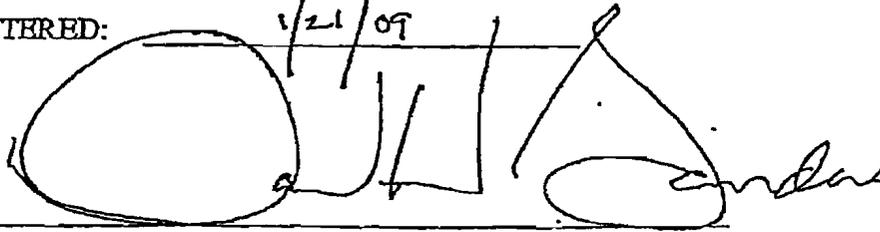
DATE OF CONVICTION: October 8, 2008  
DATE OF SENTENCING: December 12, 2008  
EFFECTIVE DATE OF SENTENCE: July 29, 2008

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 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:

1/21/09



HONORABLE DAVID H. SANDERS  
JUDGE OF THE TWENTY-THIRD JUDICIAL CIRCUIT

A TRUE COPY

ATTEST:

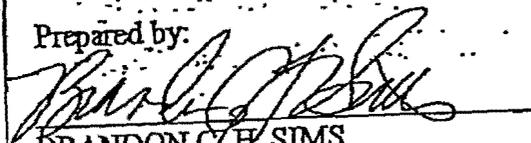
LAURA E. RATTENNI  
CLERK, CIRCUIT COURT  
JEFFERSON COUNTY, W.VA.

BY



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1. McFARLAND  
ERS  
D.O.C.  
PAROLE  
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PC

Prepared by:



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