

Mail
Salmons

35483

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

State of West Virginia, Ex Rel.
MEREDITH LEE VANHOOSE
Petitioner,

v.

CASE NOS.: 02-C-561; 98-F-240
JUDGE: ALFRED E. FERGUSON

EVELYN SEIFERT, WARDEN,
NORTHERN CORRECTIONAL FACILITY,
Respondent.

ORDER
DENYING HABEAS CORPUS RELIEF AND
GRANTING RESENTENCING OF PETITIONER

On the 9th day of April, 2009, came the Petitioner, Meredith Lee Vanhooose, in person and by and through counsel, Ronald G. Salmons, and came the Respondent Evelyn Seifert, by and through counsel, Chris Chiles, Prosecuting Attorney of Cabell County, West Virginia, all pursuant to *W.Va. Post-Conviction Habeas Corpus Proceedings, Rule 9*, and all presided over by the Honorable Alfred E. Ferguson, Judge of the Circuit Court of Cabell County, West Virginia.

Thereupon, the Court did hear proffers and arguments of both counsel, and did hear testimony of witnesses.

And in consideration of all, the Court hereby finds:

1. That the Petitioner, Meredith Lee Vanhooose, having filed a Petition for Writ of Habeas Corpus alleging ineffective assistance of counsel by George Beter, his appellate counsel, and alleging violations of both his federal and state constitutional rights thereto, has not shown ineffective assistance of counsel and has not shown any violation of his federal or state constitutional rights thereof;
2. That the Petitioner, Meredith Lee Vanhooose, having filed a Petition for Writ of Habeas Corpus alleging violations of W. Va. Code 62-3-1 and W. Va. Code 62-3-21, alleging

conditions of Petitioner's plea agreement were not fulfilled, and alleging violations of both his federal and state constitutional rights, has shown that an appeal has never been perfected on Petitioner's behalf; and

3. That resentencing by this Court so that an appeal may be perfected is the proper relief for the Petitioner.

THEREFORE, it is hereby ADJUDGED and ORDERED:

1. That the Petition for Writ of Habeas Copus is DENIED and that the same is hereby DISMISSED;

2. That in regard to 98-F-240, the Petitioner/Defendant is re-sentenced to the custody of the Commissioner of Corrections for the assignment to a penitentiary of this State for a period of "Life with Mercy" with credit for all time served with regards to Count I of the indictment. Further, in regards to Count II the Defendant is to be re-sentenced to the West Virginia Penitentiary for a period of "Forty Years," consecutive to the sentence imposed on Count I, which said sentence is suspended and said Defendant shall be placed on probation for a period of Five (5) years under such terms and conditions as deemed appropriate by his Adult Probation Officer, said probationary period to begin when and if the Defendant makes parole;

3. That Ronald G. Salmons, an attorney practicing before this Court, under separate order, will be appointed as appellate counsel for the Petitioner/Defendant;

4. That the objections of each party is hereby noted; and

5. That the clerk of this Court is hereby directed to provide a certified copy of this order to:

Ronald G. Salmons, Esq.
Ronald G. Salmons, Attorney at Law, PLLC
P.O. Box 161
West Hamlin, West Virginia 25571

Chris Chiles, Esq.
Cabell County Prosecutor
Cabell County Courthouse
750 5th Avenue
Huntington, WV 25701

West Virginia Division of Corrections
Northern Correctional Facility
RD 2 Box 1
Moundsville, WV 26041

ENTER this ORDER the ____ day of _____, 2009

/s/ ALFRED E. FERGUSON
Alfred E. Ferguson, Circuit Judge

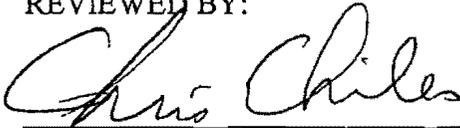
PREPARED AND SUBMITTED BY:



Ronald G. Salmons (WV Bar #10304)
Ronald G. Salmons, Attorney at Law, PLLC
P.O. Box 161
West Hamlin, WV 25571
304-824-5711
304-824-2544
Counsel for Petitioner

STATE OF WEST VIRGINIA
COUNTY OF CABELL
I, ADELL CHANDLER, CLERK OF THE CIRCUIT
COURT FOR THE COUNTY AND STATE AFORESAID
DO HEREBY CERTIFY THAT THE FOREGOING IS
A TRUE COPY FROM THE RECORDS OF SAID COURT
ENTERED ON APR 30 2009
GIVEN UNDER MY HAND AND SEAL OF SAID COURT
THIS APR 30 2009
Adell Chandler CLERK
CIRCUIT COURT OF CABELL COUNTY WEST VIRGINIA

REVIEWED BY:



Chris Chiles (W. Va. Bar # 717)
Cabell County Prosecutor
Cabell County Courthouse
750 5th Avenue
Huntington, WV 25701

R. Salmons
~~_____~~

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,
Plaintiff,

2009 AUG 25 A 10: 22

v.

Case No.: 02-C-561
Honorable Alfred E. Ferguson

MEREDITH LEE VANHOOSE,
Defendant.

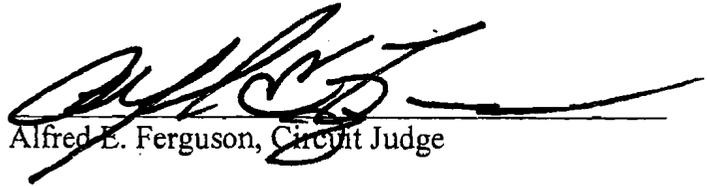
ORDER EXTENDING TIME TO APPEAL

On the 21st day of August, 2009, pursuant to W.Va. Code 58-5-4, came the Defendant, Meredith Lee Vanhooose, by his counsel, Ronald G. Salmons, and moved this Court for an extension of time in which to perfect an appeal on behalf of the defendant.

It appears to this Court that defendant's counsel had previously requested official transcripts in this matter.

It appearing to the Court that just cause appears for the requested extension of time in which to perfect defendant's appeal, it is, therefore, ORDERED that defendant's time in which to perfect his appeal is hereby extended to October 30, 2009.

ENTERED this 25th day of August, 2009.


Alfred E. Ferguson, Circuit Judge

STATE OF WEST VIRGINIA
COUNTY OF CABELL
I, ADELL CHANDLER, CLERK OF THE CIRCUIT COURT FOR THE COUNTY AND STATE AFORESAID DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY FROM THE RECORDS OF SAID COURT ENTERED ON 25 5 GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 25 5

CIRCUIT COURT OF CABELL COUNTY WEST VIRGINIA