

ENTERED 3-24-11

11-0803

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

v

CASE NO. 10-F-39  
Mag. NO. 09-F-526

DAVID FARLEY,

Defendant.

**ORDER UPON PLEA and SENTENCING**

On the 23<sup>rd</sup> day of March, 2011, appeared the State of West Virginia by Jennifer Anderson, Assistant Prosecuting Attorney for this County, and appeared the defendant, David Farley, in person and with Robert White, Chief Public Defender and David Lockwood, Assistant Public Defender, this day having been set for a Trial.

Whereupon, a written and signed plea agreement was presented to the Court and the terms thereof were stated on the record and confirmed by the parties thereto. The Court, finding said agreement reasonable and entered into voluntarily and knowledgeably, accepted the same and ORDERS said written agreement filed and made a part hereof.

After being satisfied that the defendant understood the nature of the charges in this case, the various pleas he could enter thereto, and his constitutional rights with respect to these matters, the Court inquired of said defendant how he wished to plead to said charges and the defendant entered a conditional plea of guilty to the offense of "**First Degree Robbery**", a felony, as charged in Count One of the indictment in this case. Said Conditional Plea is a condition upon defendant's Appeal to the West Virginia Supreme Court on the Court's previous ruling on the admissibility of certain evidence. If the defendant is successful and the West Virginia Supreme Court reverses the Court's ruling, the defendant may withdraw his Plea.

Before acting upon the defendant's said plea the Court questioned said defendant at length and advised him of all of his rights under the statutes and the Constitution of this State and the Constitution

of the United States, and being satisfied that the defendant understood all of his rights and entered said plea knowingly and intelligently, without coercion or promises being made to induce the same. The State placed on the record the factual basis for the defendant's plea of guilt. The Court accepted said plea and FINDS the defendant GUILTY to the offense of "**First Degree Robbery**", a felony, as charged in Count One of the indictment in this case.

The defendant waived a pre-sentence investigation report by the Probation Officer for this County, and now proceeding to impose sentence in this case, it is the JUDGMENT and ORDER of this Court that the above-named defendant be taken from the Bar of this Court to the jail of this County, upon the above-referenced charges, therein to be kept and confined subject to all of the rules and regulations of that institution, until such time that said defendant can be transported and delivered to the penitentiary for this State, therein to be kept and confined for a definite period of ten (10) years upon the charge of "**FIRST DEGREE ROBBERY**", a felony, as charged in Count One of the Indictment herein, subject to all of the rules and regulations of that institution, and to be further dealt with according to law.

Said Defendant is given credit for all time heretofore spent by him in confinement with regard to this case, which is determined to be 505 days.

The Court further ORDERS that any bond heretofore posted herein is hereby released.

Further, the defendant moved the Court for a Post-conviction Bond. The Court DENIES the defendant's Motion for Post-conviction Bond.

The Court further ORDERS the Boone County Public Defender's Office is appointed as counsel on Appeal and that all transcripts are to be made available upon defendant's request.

Pursuant to the provisions of West Virginia Code, 62-12-8, the Court ORDERS the Clerk of this Court shall send a certified copy of this Order to the Board of Probation and Parole of this State and furnish a copy to Southwestern Regional Jail; to the Probation Officer of this County; to counsel for defendant; and to the Boone County Prosecuting Attorney.

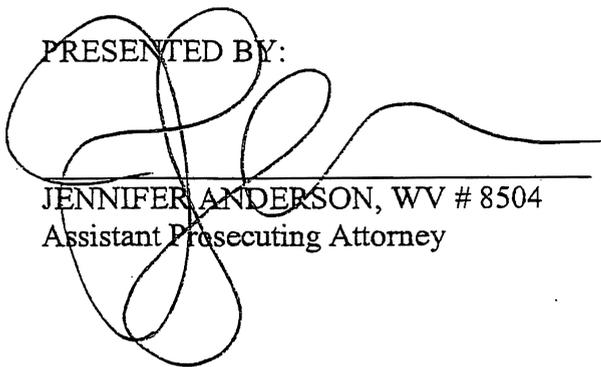
All of which is ADJUDGED and ORDERED.

Done this 24<sup>th</sup> day of March, 2011.

ORDER

ENTER: William S. Thompson  
WILLIAM S. THOMPSON, JUDGE

PRESENTED BY:



JENNIFER ANDERSON, WV # 8504  
Assistant Prosecuting Attorney

APPROVED BY:

\_\_\_\_\_  
Robert White, WV # 4568  
Chief Public Defender

\_\_\_\_\_  
David Lockwood, WV # 2230  
Asst. Public Defender

*Re  
of  
the  
Dist.  
Public  
Defender  
Office*