

12-0024

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

VS.

Felony No. 10-F-129-3
(James A. Matish, Judge)

JEFFREY K. TAYLOR,

Defendant.

**ORDER DENYING DEFENDANT'S MOTION FOR
RECONSIDERATION OF SENTENCE**

Presently pending before the Court is a Motion for Reconsideration of Sentence filed by Brandon J. Kupec, counsel for the defendant, Jeffrey K. Taylor, on the 11th day of April, 2011. After reviewing the same, the Court did hereby **ORDER** the same filed herein.

The Court would note that the defendant was originally indicted by the Grand Jury which met during the May, 2010, term of Court. The defendant was charged with the felony offenses of Felony Murder and Conspiracy to Commit Burglary.

Pursuant to a plea agreement on the 7th day of July, 2010, the defendant, Jeffrey K. Taylor, entered a plea of guilty to the felony offense of Felony Murder as charged in the Indictment in this case.

The defendant was sentenced on said charges on the 28th day of October 2010, by Order entered on the 7th day of December, 2010. The Court Ordered that the defendant, Jeffrey K. Taylor, be committed to the custody of the Commissioner of the West Virginia Department of Corrections for a period of life from the 12th day of November, 2009, thereby giving the defendant credit for time previously served.

Brandon J. Kupec, counsel for the defendant, Jeffrey K. Taylor, now files his Motion for Reconsideration of Sentence pursuant to Rule 35 of the West Virginia Rules of

Criminal Procedure.

Furthermore, the State filed their response to said Motion on April 25, 2011.

The Court, after reviewing said Motion, does not find that it presents any new evidence that the Court was not previously aware of and had carefully considered in connection with this defendant.

In addition to the above, the Court finds that the defendant's Motion to Reconsider Sentence also fails for the following reasons:

(1) The defendant is in need of correctional treatment that can be provided most effectively by his commitment to a correctional institution.

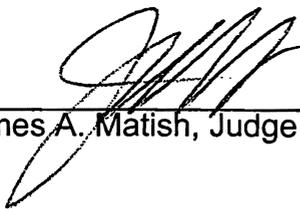
(2) Release, reduction, or further alternative relief would unduly depreciate the seriousness of the defendant's crime.

Therefore, it is, accordingly, **ADJUDGED** and **ORDERED** that the defendant's Motion for Reconsideration of Sentence should be, and is, accordingly, **DENIED** for the reasons herein stated.

It is further **ADJUDGED** and **ORDERED** that the Clerk of this Court deliver by first class mail or other means, a certified copy of the within Order unto Traci M. Cook. Morris, Assistant Prosecuting Attorney, at her address of Harrison County Courthouse, Suite 201, 301 W. Main Street, Clarksburg, West Virginia 26301; and unto Brandon J. Kupec, counsel for the defendant, at his address of Kupec & Associates, PLLC., 228 Court Street, Clarksburg, West Virginia 26301.

ENTER: _____

12/14/2011



James A. Matish, Judge

STATE OF WEST VIRGINIA
COUNTY OF HARRISON, TO-WIT:

I, Donald L. Kopp II, Clerk of the Fifteenth Judicial Circuit and the 18th
Family Court Circuit of Harrison County, West Virginia, hereby certify the
foregoing to be a true copy of the ORDER entered in the above styled action
on the 14th day of December, 2011.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix

Seal of the Court this 15th day of December, 20 11.

Donald L. Kopp II
Fifteenth Judicial Circuit & 18th Family Court **TO**
Circuit Clerk
Harrison County, West Virginia