

12-1413

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

Vs.

Case No. 10-F-122-3
(James A. Matish, Judge)

NICHOLAS RYAN ROBEY,

Defendant.

**SENTENCING ORDER/ORDER COMMITTING DEFENDANT TO
CUSTODY OF WEST VIRGINIA DIVISION OF CORRECTIONS**

On the 2nd day of August, 2011, came the State of West Virginia by Susan P. Morris and Traci M. Cook, Assistant Prosecuting Attorneys for Harrison County, West Virginia, and came also the defendant, Nicholas Ryan Robey, in person and in the custody of the Sheriff of Harrison County, West Virginia, and by April D. Conner, his counsel. Also present for said proceedings were Sergeants Jason Snider and J. M. Walsh of the Clarksburg Police Department and Michael Fawcett, Adult Probation Officer. All parties were present for sentencing in the above captioned matter.

Whereupon, the Court reviewed the procedural history of the above captioned matter for the record.

Thereupon, on motion of the State, it was ORDERED that the defendant, Nicholas Ryan Robey, make his proportionate share of restitution to the estate of Clarence Leeson for funeral expenses, that being one-four (1/4) or Eight Hundred Sixty Dollars (\$860.00), and that he shall be held jointly and severally liable with his co-defendants, Christopher Scott Robey, Joshua Chance Morgan and Megan Rachele Titus, also known as Megan Rachele Jones, for the entire

amount of restitution owed the estate of Clarence Leeson, that being Three Thousand Four Hundred Thirty-Nine Dollars and Sixty-Four Cents (\$3,439.64).

It was further ORDERED that upon proof that the West Virginia Crime Victims Fund has reimbursed the estate of Clarence Leeson for said funeral expenses in the amount of Three Thousand Four Hundred Thirty-Nine Dollars and Sixty-Four Cents (\$3,439.64), restitution shall be paid to the West Virginia Crime Victims Fund, 1900 Kanawha Boulevard East, Room W-334, Charleston, West Virginia, 25305.

Thereupon, David Leeson, son of the victim in this matter, addressed the Court relative to disposition of the above captioned matter.

Thereupon, the Court heard the sentencing recommendations of counsel for the State and counsel for the defendant.

The Court thereupon advised the defendant of his right of allocution and the defendant, Nicholas Ryan Robey, addressed the Court prior to imposition of sentence in this matter.

Nothing further being offered in delay of judgment herein with regard to defendant's plea of guilty to the felony offense of Felony Murder as contained in Count Ten of the Indictment in this case, it was considered and ORDERED by the Court that said defendant, Nicholas Ryan Robey, be committed to the custody of the Commissioner of the West Virginia Division of Corrections for a period of life from the 2nd day of February, 2010, thereby giving the defendant credit for time previously served.

Thereupon, the Court advised the parties that it would not make a recommendation that the defendant, Nicholas Ryan Robey, be considered for parole based upon the Court's consideration of the defendant's actions toward the victim, and after having considered the mitigating factors of the defendant's age, support system and history of substance abuse.

It was further ORDERED that the defendant, Nicholas Ryan Robey, pay the costs assessed in this matter and the State of West Virginia was granted a judgment for said costs.

Thereupon, the Court, pursuant to the provisions of Chapter 15, Article 2B, Section 6 of the Code of West Virginia, as amended, entered an appropriate Order directing DNA testing.

Thereupon, the defendant, having disrupted the proceedings by a vocal and physical outburst, was removed from the Courtroom.

Thereupon, the Court advised counsel for the defendant that pursuant to Chapter 62, Article 4, Section 17 of the Code of West Virginia, if costs, fines, forfeitures, penalties or restitution imposed by the Court on the defendant in this matter are not paid in full when Order to do so by the Court, the Circuit Clerk shall notify the West Virginia Division of Motor Vehicles of such failure to pay and upon such notice, the Division of Motor Vehicles shall suspend the person's driver's license or privilege to operate a motor vehicle in this state until such time that the costs, fines, forfeitures or penalties are paid. The original notice advising the defendant of the same was ORDERED filed and made a part of the record in this case and a copy of said notice was provided to counsel for the defendant on behalf of the defendant.

Thereupon, the Court advised counsel for the defendant of the defendant's rights with respect to appeal.

Thereupon, the defendant was remanded to the Sheriff of Harrison County for his return to the Tygart Valley Regional Jail to await his transfer to the Penitentiary of this State.

OFFENSE: FELONY MURDER
TERM: LIFE (WITHOUT PAROLE CONSIDERATION)

CONVICTION DATE:	MAY 19, 2011
SENTENCE DATE:	AUGUST 2, 2011
EFFECTIVE SENTENCE DATE:	FEBRUARY 2, 2010

It was further ORDERED that the Clerk of this Court transmit a copy of this Order, duly certified, to the following parties:

Susan P. Morris
Traci M. Cook
Assistant Prosecuting Attorneys
Third Floor, Courthouse
301 West Main Street
Clarksburg, West Virginia 26301

April D. Conner, Esq.
427 West Pike Street
Clarksburg, West Virginia 26301

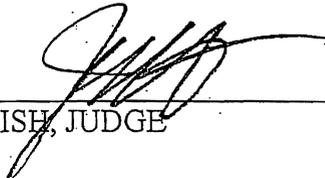
Michael Fawcett
Harrison County Adult Probation Office
Third Floor, Courthouse
301 West Main Street
Clarksburg, West Virginia 26301

Tygart Valley Regional Jail
400 Abbey Road
Belington, West Virginia 26250

West Virginia Division of Corrections
112 California Avenue
Charleston, West Virginia 25305

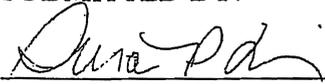
ENTER: _____

08/05/2011



JAMES A. MATISH, JUDGE

SUBMITTED BY:



SUSAN P. MORRIS
Assistant Prosecuting Attorney

TRACI M. COOK
Assistant Prosecuting Attorney

APPROVED AS TO FORM BY:

APRIL D. CONNER
Counsel for Defendant

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 5th day of August, 2011.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix

Seal of the Court this 8th day of August, 2011.

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

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

Vs.

Case No. 10-F-122-3
(James A. Matish, Chief Judge)

NICHOLAS RYAN ROBNEY,

Defendant.

ORDER RESENTENCING THE DEFENDANT

On the 16th day of October, 2012, came the State of West Virginia by Susan P. Morris and came also the defendant, Nicholas Ryan Robey, not in person, but by Jerry Blair, his counsel.

Whereupon, the Court reviewed the procedural history of the above captioned matter for the record and noted that Mr. Blair had only recently been appointed appellate counsel in this matter.

Thereupon, the Court resentenced the defendant for the purpose of appeal and nothing further being offered in delay of judgment herein with regard to defendant's plea of guilty to the felony offense of Felony Murder as contained in Count Ten of the Indictment in this case, it was considered and ORDERED by the Court that said defendant, Nicholas Ryan Robey, be committed to the custody of the Commissioner of the West Virginia Division of Corrections for a period of life from the 2nd day of February, 2010, thereby giving the defendant credit for time previously served.

Thereupon, the Court advised the parties that it **would not** make a recommendation that the defendant, Nicholas Ryan Robey, be considered for parole based upon the Court's consideration of the defendant's actions toward the victim, and after having considered the mitigating factors of the defendant's age, support system and history of substance abuse.

It was further ORDERED that the defendant, Nicholas Ryan Robey, pay the costs assessed in this matter and the State of West Virginia was granted a judgment for said costs.

OFFENSE: FELONY MURDER
TERM: LIFE (WITHOUT PAROLE CONSIDERATION)

CONVICTION DATE: MAY 19, 2011
SENTENCE DATE: AUGUST 2, 2011
RESENTENCE DATE: OCTOBER 16, 2012
EFFECTIVE SENTENCE DATE: FEBRUARY 2, 2010

It was further ORDERED that the Clerk of this Court transmit a copy of this Order, duly certified, to the following parties:

Susan P. Morris
Assistant Prosecuting Attorneys
Third Floor, Courthouse
301 West Main Street
Clarksburg, West Virginia 26301

Jerry Blair, Esq.
P. O. Box 1701
Clarksburg, West Virginia 26301

West Virginia Division of Corrections
112 California Avenue
Charleston, West Virginia 25305

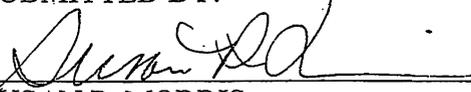
Mt. Olive Correctional Complex
One Mountainside Way
Mt. Olive, West Virginia 25185

Nicholas Ryan Robey
Mt. Olive Correctional Complex
One Mountainside Way
Mt. Olive, West Virginia 25185

ENTER: _____ 10/16/2012

JAMES A. MATISH, CHIEF JUDGE

SUBMITTED BY:



SUSAN P. MORRIS

Assistant Prosecuting Attorney

APPROVED AS TO FORM BY:



JERRY BLAIR

Counsel for Defendant

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 16 day of October, 2012.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix
the Seal of the Court this 16 day of October, 2012.

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

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

VS.

Felony No: 10-F-122-3
(James A. Matish, Judge)

NICHOLAS RYAN ROBEY,

Defendant.

ORDER APPOINTING COUNSEL

A request for appellate counsel has been filed by the defendant in the above-styled matter. Accordingly, it is **Ordered** that **Jerry Blair**, a licensed Attorney at Law practicing before the Bar of this Court, is appointed to represent the defendant, Nicholas Ryan Robey, for the purpose of re-sentencing, possible appeal and/or habeas corpus relief.

It is further **ORDERED** that the Clerk of this Court send a certified copy of this Order to Jerry Blair, counsel for defendant, at his address of Post Office Box 1701, Clarksburg, West Virginia 26301; unto the defendant, Nicholas Ryan Robey, at his last known address of Mt. Olive Correctional Center, 1 Mountainside Way, Mt. Olive, West Virginia 25185; and unto Susan P. Morris and Traci M. Cook, Assistant Prosecuting Attorneys, at their address of 301 West Main Street, Room 201, Clarksburg, West Virginia 26301.

ENTER: 08/22/2012



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 22 day of August, 2012.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix
the Seal of the Court this 23 day of August, 2012.

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