

15-0021

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

CIRCUIT CLERK
NICHOLAS COUNTY, WV

STATE OF WEST VIRGINIA,

Plaintiff,

vs. // Criminal Case Number: 14-F-13

2014 DEC -9 P 2:23

STEPHANIE LOUK,

Defendant.

SENTENCING ORDER
and
ORDER APPOINTING COUNSEL FOR APPEAL

On the 31st day of October 2014 came the State of West Virginia by and through James R. Milam II, Prosecuting Attorney of Nicholas County, and came the defendant herein, Stephanie Louk, in person and by counsel, J. B. Rees, for the purpose of a sentencing hearing herein before the Honorable Gary L. Johnson, Judge.

Whereupon, the Court reviewed the file in this matter and noted that on August 20, 2014, the defendant herein, Stephanie Louk, was found guilty by a jury of the felony offense of Child Neglect Resulting in Death as contained in the indictment and this matter was thereafter referred to the Nicholas County Probation Office for purposes of a pre-sentence investigation with sentencing scheduled on this date.

The Court inquired of the parties if they had received and reviewed a copy of the pre-sentence investigation report and if there were any additions, corrections or deletions, to which counsel for the defendant advised the Court of a correction to said report on Page 16 in that Case No. 14-B-46 has been dismissed by the State. And the Court, noting the defendant's correction, **ORDERED** said report filed and made a part of the record herein.

Thereupon, counsel for the defendant and the defendant addressed the Court as did the defendant on behalf of the defendant requesting that the Court grant the defendant be sentenced to the Nicholas County Community Corrections Day Reporting Center.

Thereupon, the Court inquired of the parties herein whether there was any reason not to proceed to sentencing herein, and there being none, **ORDERED** this matter proceed to sentencing herein.

And the Court, upon due deliberation and consideration, does **ORDER** and **ADJUDGE** that the defendant herein, STEPHANIE LOUK, be, and she is hereby sentenced to the West Virginia State Penitentiary for a period of not less than three (3) years nor more than fifteen (15) years with credit for incarceration time previously served, to-wit: 39 days. It is **ORDERED** that the defendant shall pay all costs of prosecution including Court-appointed counsel fees with all costs and fees to be paid in full within twenty-four (24) months of release on parole.

It is further **ORDERED** that upon discharge of the sentence herein and/or the granting of parole, the defendant shall be placed upon supervised release, pursuant to West Virginia Code §62-12-26, for a period of fifteen (15) years and it is **ORDERED** that said defendant shall register for a period of ten (10) years on the Child Abuse and Neglect Registry.

The Court advised the defendant that should she fail to pay the fees and costs of prosecution as set forth herein above, the Clerk of the Circuit Court shall notify the Division of Motor Vehicles of such failure to pay and the Division of Motor Vehicles shall suspend said defendant's driver's license or privilege to operate a motor vehicle in the State of West Virginia until such time as said costs are paid.

Whereupon, the Court advised the defendant that she had the right to appeal this case to the West Virginia Supreme Court of Appeals. The Court further advised the defendant that a written notice of intent to appeal must be filed within thirty (30) days from the date of entry of the final order in this matter and that said appeal must be perfected within four (4) months by the filing of a petition. The Court further advised the defendant that if she could not afford an attorney to perfect her appeal for her, the Court would appoint an attorney to represent her in this matter and that if she could not afford a transcript of the proceedings herein, the Court would likewise provide a copy of the transcript to her free of charge.

It is **ORDERED** that the defendant is hereby remanded to the custody of the West Virginia Division of Corrections for execution of the sentence herein imposed.

Upon motion by counsel for the defendant, it is **ORDERED** that J. B. Rees, Attorney at Law, is hereby appointed as counsel for the defendant for the purpose of appeal.

It is further **ORDERED** that the Clerk of the Circuit Court shall prepare and forward a certified copy of this order to J. B. Rees, Attorney at Law, P.O. Box 432, Fayetteville, WV 25840, to West Virginia Division of Corrections, and to Central Regional Jail.

ORDER:

ENTER: 12-17-14
[Signature]
JUDGE

APPROVED BY:
[Signature]
JAMES R. MILAM II WV ID 7899
COUNSEL FOR THE STATE

[Signature]
J. B. REES WV ID 5525
COUNSEL FOR THE DEFENDANT

A true copy, certified this
17 day of Dec, 20 14
[Signature]
DEBBIE FACEMIRE CIRCUIT CLERK
Nicholas County Circuit Court
Summersville, WV 26651

By *[Signature]* Deputy

Done
12-17-14
amb

IN THE CIRCUIT COURT OF NICHOLAS COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

CIRCUIT CLERK
NICHOLAS COUNTY, WV

VS.

2014 DEC 22 P 3:43

CASE NO: 14-F-13

STEPHANIE LOUK

ORDER OF SUBSTITUTION OF COUNSEL

This matter, having come before the Court, upon the request of J.B. Rees, trial counsel for the defendant herein, for leave of Court to be allowed to withdraw as counsel of record for the purposes of appeal. Counsel states to the Court that the West Virginia Public Defender's Appellate Advocacy Division has agreed to the representation of Stephanie Louk in this matter for the purposes of appeal.

It is now **ORDERED** that J.B. Rees is granted leave to withdraw as counsel of record for the purposes of appeal and the West Virginia Public Defender's Appellate Advocacy Division is hereby appointed. The Clerk of the Court is hereby directed to send a certified copy to the West Virginia Public Defender's Appellate Advocacy Division at One Players Club Drive, Suite 301, Charleston, WV 25311; James R. Milam, II, 203 Courthouse Annex, 511 Church Street, Summersville, WV 26651; and J.B. Rees, P.O. Box 432, Fayetteville, WV 25840.

ENTERED this 22nd day of December, 2014.

A true copy, certified this
22 day of Dec., 2014
Stephanie Louk
CIRCUIT CLERK
Nicholas County Circuit Court
Summersville, WV 26651
By _____
JUDGE