

35540

*LM* IN THE CIRCUIT COURT OF MORGAN COUNTY, WEST VIRGINIA

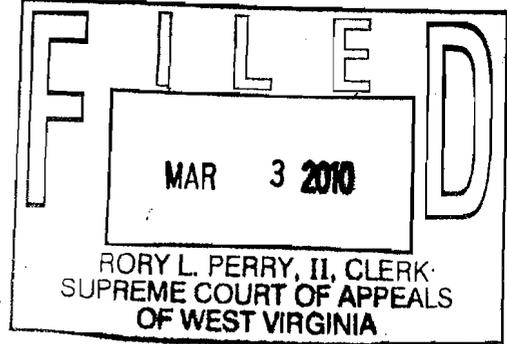
STATE OF WEST VIRGINIA,

v.

Case No. 07-F-20

TEX B. SIMMONS

Defendant.



SENTENCING ORDER

This day came the State of West Virginia, by Debra MH McLaughlin, Prosecuting Attorney for Morgan County and also came the defendant Tex B. Simmons, by counsel James T. Kratovil for purposes of re-sentencing.

Thereupon the court considered all of the factors involved in this case and at the conclusion of all of which is of the opinion to and does Order the re-sentencing of the Defendant.

Accordingly it is the sentence of the law and the judgment of the Court that the Defendant, upon his conviction of the felony of sexual assault, first degree and contained in Count I of the Indictment, be confined in the penitentiary house of this State for a period of not less than twenty five nor more than one hundred years and fined \$ 5,000.00 and upon his conviction of the felony of sexual abuse by custodian, as contained in Count II of the indictment, be confined in the penitentiary house of this State for a period of not less than ten nor more than twenty years, there to be dealt with according to law, with said sentences to be served consecutively.

It is further ORDERED that the state do recover of and from the Defendant all costs in

this matter and that should the Defendant have funds available while in Department of Corrections custody for payment toward fines and costs, the same may be deducted from the Defendant's account pursuant to WV Code § 25-1-3c.

It is further ORDERED that the Defendants bond, if any, shall be refunded and any surety thereon exonerated.

It is further ORDERED that the following dates shall be established:

Conviction Date.....November 19, 2008

Sentencing Date.....September 26, 2009

Effective Date of Sentencing.....November 19, 2008

The Court advises the Defendant of his right to appeal the decision of this Court. The record shall reflect the Defendant's objection and exception to the sentence of the Court.

The Clerk shall enter the foregoing Order as of the day and date first herein above appearing and shall send attested copies to counsel of record.

RECEIVED  
OCT - 6 2009

ENTER:

Sept 29, 2009  
[Signature]  
Gina M. Groh, Circuit Judge, 23<sup>rd</sup> Circuit

Approved:

[Signature]  
James T. Kratovil Esq. # 2103

[Signature]  
Debra H. McLaughlin #7999

cc: 10/2/09

PA  
Connie  
Kratovil

GUARDIAN  MAG   
DOM  MH   
CIVIL  JUVENILE   
CRIMINAL  ADM   
ORDER BOOK 35  
PAGE 757  
DATE 10-2-09

A TRUE COPY, ATTEST:

[Signature]  
Clerk of the Circuit Court  
of Morgan County, West Virginia

[Signature]  
Deputy