

11-0643

0231

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

FILED  
2011 MAR 29 P 4:10

STATE OF WEST VIRGINIA

ABELL CHANDLER  
CIRCUIT CLERK  
CABELL CO., WV

vs.

INDICTMENT NO. 10-F-6  
Judge Alfred E. Ferguson

JOSHAWA CLARK,

Defendant.

SENTENCING ORDER

On this the 28<sup>th</sup> day of March, 2011, came the defendant in person and by counsel, Virginia Weed and Jason Goad, and also came the State of West Virginia by Jara L. Howard, Assistant Prosecuting Attorney and Jason Spears, Assistant Prosecuting Attorney of Cabell County, West Virginia, for sentencing upon Indictment No. 10-F-6, pursuant to the defendant having previously been found guilty by a jury of his peers of the felony offense of "1<sup>st</sup> Degree Robbery" as contained in each of Counts I and Count III of Indictment 10-F-6 and the felony offense of "Conspiracy" as contained in Counts II and VI of Indictment No. 10-F-6.

Upon addressing counsel for the defendant, the Court determined that the defendant and his counsel have had the opportunity to participate in the presentence investigation and have read and discussed the report thereof made available to them pursuant to Rule 32(b) of the West Virginia Rules of Criminal Procedure. Further, the Court determined that there are no unresolved objections to said presentence report.

The Court then afforded counsel for the defendant the opportunity to speak on behalf of

MAR 29 2011 the defendant and addressed the defendant personally and asked him if he wished to make a statement in his own behalf and/or to present any information in mitigation of punishment.

Prob WLS  
MAR 29 2011  
Circuit Clerk DW

Thereafter, the Court then demanded of the said Joshawa Clark if he had knew or had anything to say why the Court should not proceed to pronounce the sentence of the law against him, and nothing being offered or alleged in delay of judgment, it is ORDERED that the defendant be committed to the custody of the Commissioner of Corrections for assignment to a penitentiary of this State for a period of not less than one (1) nor more than five (5) years on each of Counts II and VI, said sentences to run consecutively. It is further ORDERED that the defendant be committed to the custody of the Commissioner of Corrections for assignment to a penitentiary of this State for a period of twenty-five (25) years on each of Counts I and III of Indictment No. 10-F-6, said sentences to run consecutive to each other and consecutive to the sentences the defendant received in Counts I and VI of Indictment No. 10-F-6. It is further ORDERED that the defendant shall receive credit for time served on Count I of this Indictment. It is further ORDERED that the defendant shall not receive credit for time served while on Home Confinement as a condition of bond.

It is further ORDERED that the defendant be assessed in the amount of Seventy-Five Dollars on each of Counts I, II, III, and VI of Indictment No. 10-F-6, for a total of Three Hundred Dollars (\$300.00), pursuant to 62-5-10 of the West Virginia Code, to be paid to the Clerk of the Circuit Court for the Crime Victim's Compensation Fund.

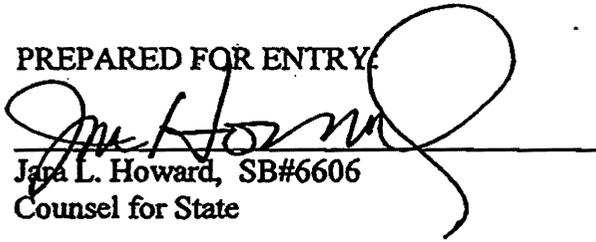
It appearing to the Court that the bond previously posted in this matter is no longer required, it is hereby ORDERED that the Clerk of the Circuit Court deduct from said bond any court ordered fines and court costs and return the remainder of said cash bond to the surety. In the event that a property bond was posted in this matter, upon discharge and release of said bond, the clerk of this court shall provide a certified copy of said release to the county clerk of Cabell County for filing therein.

There being nothing further to be done in this matter, it is hereby removed from the active docket of the Court.

ENTER  
ORDER

  
Alfred E. Ferguson, Circuit Judge

PREPARED FOR ENTRY

  
Jaya L. Howard, SB#6606  
Counsel for State

ENTERED Circuit Court Criminal Order Book  
# 270 Page 231 this \_\_\_ day of  
MAR 29 2011

State v. Joshawa Clark – Paragraph 16

Petitioner was indicted for two counts of conspiracy and two counts of first degree robbery. At trial, petitioner was convicted of all four counts and sentenced to 52-60 years in prison.

State v. Joshawa Clark – Paragraph 17

1. Improper search of defendant's house.
2. Brady violation when the State failed to provide potentially exculpatory evidence relating to Petitioner's co-defendant.
3. Brady violation when the State failed to provide criminal histories for State witnesses.
4. Petitioner reserves the right to identify additional assignments of error if warranted.

Mailed  
Kanawha  
P.D.

PUBLIC DEFENDER  
OFFICE

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IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

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STATE OF WEST VIRGINIA, **ADELL CHANDLER**  
Plaintiff, **CIRCUIT CLERK**  
**CABELL CO., WV**

Vs. **INDICTMENT NO. 10-F-6**  
**ALFRED E. FERGUSON, JUDGE**

**JOSHAWA CLARK,**  
Defendant.

**ORDER**

This 28th day of March, 2011, this matter came on before the Court pursuant to this matter being set for sentencing on today's date. Whereupon, upon disposition in this matter, the Court was of the opinion to appoint the Kanawha County Office of the Public Defender to represent the defendant for appeal purposes.

It is therefore the ORDER of this Court that the Kanawha County Public Defender's Office is hereby appointed to represent the defendant, Joshawa Clark, in any appeal to the West Virginia Supreme Court of Appeals.

The Clerk shall cause a true copy of this Order to be delivered to counsel of record.

ORDER  
ENTERED:   
Alfred E. Ferguson, Judge

ENTERED Circuit Court Criminal Order Book  
Page \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_

STATE OF WEST VIRGINIA  
COUNTY OF CABELL  
I, **ADELL CHANDLER**, CLERK OF THE CIRCUIT  
COURT FOR THE COUNTY AND STATE AFORESAID,  
DO HEREBY CERTIFY THAT THE FOREGOING IS  
A TRUE COPY FROM THE RECORDS OF SAID COURT  
ENTERED ON MAR 29 2011  
GIVEN UNDER MY HAND AND SEAL OF SAID COURT  
THIS MAR 29 2011  
 **CLERK**  
CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA