

11-0691

006

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,
Plaintiff,

vs.

INDICTMENT NO. 09-F-23
Judge Alfred E. Ferguson

ROBERT FRAZIER,
Defendant.

FILED
2011 MAR 24 P 1:39
CABELL CHANDLER
CIRCUIT CLERK
CABELL CO., WV

RESENTENCING ORDER

On this the 23rd day of March, 2011, came the defendant in person and by counsel, Jason Goad and Kim Carico, and also came the State of West Virginia by Jara L. Howard, Assistant Prosecuting Attorney of Cabell County, West Virginia, for sentencing upon Indictment No. 09-F-23, pursuant to the defendant having been previously found guilty by a jury of his peers of the felony offense of "2ND Degree Murder" as contained in Count I of Indictment No. 09-F-23. 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 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.

Thereafter, the Court then demanded of the said Robert Frazier if he had or knew 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

MAR 24 2011
Date: 11/11/11
Certified copies sent to:
 counsel of record
 parties
 other prob, DOC
(check as indicated)
By:
 certified first class mail
 fax
 hand delivery
 interdepartmental
Other directives accomplished:
WRS, ec
Deputy Circuit Clerk dw

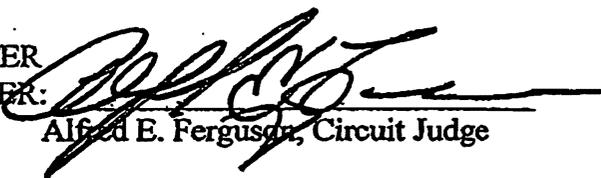
0070

defendant be sentenced to the custody of the Commissioner of the Department of Corrections for assignment to a penitentiary of this State for a period of forty (40) years on Count I of Indictment No. 09-F-23 with credit for time served.

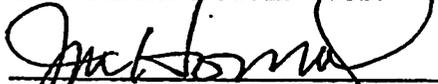
In addition, the defendant is hereby assessed in the amount of Seventy-Five Dollars (\$75.00) on Count I of Indictment No. 09-F-23, to be paid to the Circuit Clerk pursuant to 62-5-10 of the West Virginia Code for the Crime Victims Compensation Fund.

The State will proceed with prosecution of Count II of Indictment No. 09-F-23, therefore this matter will remain open on the active docket of the Court.

The Clerk of this Court is hereby directed to provide a certified copy of this order to all counsel of record and to the Western Regional Jail.

ENTER ORDER: 
Alfred E. Ferguson, Circuit Judge

PREPARED FOR ENTRY:


Jara L. Howard, SB# 6606
Counsel for State

ENTERED Circuit Court Criminal Order Book
No. 270 Page 69 this ___ day of
MAR 24 2011

Mail
Kanawha Co
P.D. Office

FILED

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

2010 SEP 30 P 1:40

STATE OF WEST VIRGINIA,

PLAINTIFF,

DELL CHANDLER
CIRCUIT CLERK
CABELL WV

VS.

09-F-23
Judge Ferguson

ROBERT FRAZIER,

DEFENDANT.

ORDER APPOINTING APPELLATE COUNSEL

Whereas, trial counsel has informed the Court that that Defendant wishes to appeal his conviction and sentencing order to the West Virginia Supreme Court of Appeals and given the severity of the sentence that it is in both Defense counsel's and Defendant's best interests to have an attorney who specializes in appeals and post conviction work represent the Defendant on appeal.

The Court finds the Defendant is indigent and entitled to appointed counsel on appeal.

Therefore, it is the **ORDER** of the Court that the Kanawha County Public Defender Corporation, Appellate Division, is hereby appointed to represent the Defendant on appeal. Trial counsel is hereby directed to forward a copy of the Defendant's file to the Kanawha County Public Defender Corporation.

THE Clerk is further **ORDERED** to forward a copy of this order to all parties, the Defendant at the Western Regional Jail, and to Kanawha County Public Defender Corporation, c/o Gregory Ayers, P.O. Box 2827 Charleston, West Virginia 25330.

ORDER:
ENTER:

[Handwritten Signature]
Circuit Judge Alfred E. Ferguson

PREPARED BY:

Kimberly Carico
Kimberly Carico #7322
Public Defender

ENTERED Circuit Court Criminal Order Book
No. _____ 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 SEP 30 2012
GIVEN UNDER MY HAND AND SEAL OF SAID COURT
THIS SEP 30 2012
Adell Chandler CLERK
CIRCUIT COURT OF CABELL COUNTY WEST VIRGINIA