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JENNIFER W. HICKOK
CIRCUIT COURT OF WEBSTER COUNTY, VA
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IN THE CIRCUIT COURT OF WEBSTER COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

vs.

Case No. 10-F-14

JULIA SURBAUGH,

Plaintiff

Defendant

MOTION HEARING AND RE-SENTENCING ORDER

On the 22nd day of February 2011, before Judge Richard Facemire, came the State of West Virginia, by and through her Prosecuting Attorney of Webster County, Dwayne C. Vandevender, and came the defendant, Julia Surbaugh, in person and by counsel, Richard Lorensen, pursuant to the defendant's motion to substitute counsel, renewed motion for stay of sentence and re-sentencing.

Whereupon, the Court made certain notations upon the record. The parties addressed the Court regarding their position on the various motions as set forth upon the record.

The defendant advised the Court that she agreed with the substitution of counsel. Counsel for the defendant submitted an agreed order relieving J. L. Hickok and appointing Richard Lorensen, which order was entered by the Court.

Whereupon, Counsel for the defendant addressed the re-sentencing motion. The State had no objection to the motion.

Thereafter, Counsel for the defendant addressed the renewed motion for stay of sentence in order to keep the defendant at the Central Regional Jail pending appeal. The State had no objection, but ask that the defendant only be kept at the Central Regional Jail for such time as was necessary to complete the Petition for Appeal.

Upon consideration of all the Court did FIND and ORDER that:

- 1: On May 20, 2010, the defendant was found guilty of 1st degree murder without a

recommendation for mercy.

2. The jury also found that she used a firearm in the commission of the crime.
3. On May 20, 2010, the defendant was sentenced to life in prison without mercy.
4. The Court re-incorporates and has considered all comments by the defendant and defense counsel, Dan James, and the State at the original sentencing in this matter.
5. Upon her conviction for **FIRST DEGREE MURDER**, by the use and presentment of a firearm and, based upon the Jury's findings that the defendant be granted **NO MERCY** regarding sentencing, it is the **JUDGMENT** and **ORDER** of the Court that the defendant be **SENTENCED TO LIFE IN PRISON WITHOUT THE POSSIBILITY FOR PAROLE**. The defendant shall be granted credit for all time served and the defendant is **NOT ELIGIBLE FOR PAROLE**.
6. The Court will not impose a fine. However, the defendant shall pay all Court costs and Court-appointed attorney fees in this matter.
7. The defendant is **ORDERED** into custody of the Division of Correction but shall remain at the Central Regional Jail for sixty (60) days from February 22, 2011 and the Division of Corrections shall be responsible for the costs of housing her.
8. If the Division of Corrections wishes to transfer the defendant before the sixty (60) days are up they must file a motion with the Court. After sixty (60) days the Division of Corrections can transfer the defendant without a motion or notice to the Court.

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

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WEST VIRGINIA SUPREME COURT OF APPEALS
CIRCUIT COURT
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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.

The Clerk shall provide certified copies of this Order to counsel of record, the Division of Corrections and the Central Regional Jail.

ENTERED this 8th day of March 2011.

[Handwritten Signature]
Richard Facemire, Judge
3/8/11

Prepared by:

[Handwritten Signature]
DWAYNE VANDEVENDER
Prosecuting Attorney of Webster County

Original Order mailed to Judge Facemire and copy mailed to Richard Lorensen on 03/7/2011.

Counsel is hereby notified that any objections to this order must be filed, in writing, with the Court, within five (5) days of receipt of the proposed order. Otherwise, the Court shall consider the order approved as to form for entry by the Court.

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JEANIE MOORE, CLERK
WEBSTER CO. VA.
CIRCUIT COURT

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office
Attest: Jeanie Moore
Webster County, West Virginia
By *[Signature]*
Deputy Clerk

Received
MAR 04 2011
HONORABLE RICHARD A. FACEMIRE
FOURTEENTH JUDICIAL CIRCUIT