

11-0784

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**IN THE CIRCUIT COURT OF
PRESTON COUNTY, WEST VIRGINIA**

STATE OF WEST VIRGINIA,
Plaintiff,

v.

CASE NO.: 09-F-50 & 10-M-1
JUDGE LAWRENCE S. MILLER JR.

JOHN A. HARTMAN,
Defendant.

ORDER RESENTENCING DEFENDANT

Comes now the Defendant by Richard H. Lorensen, and moves this Court for resentencing of Defendant. Defendant wishes to go forward with his appeal even though his Petition for appeal was not filed prior to the expiring of the four month time from his conviction and motion for reconsideration in the above-styled matter. The State of West Virginia would not be prejudiced by granting the Motion to Resentence for purposes of perfecting an appeal since the Defendant has been incarcerated following his Motion for reconsideration and Sentence and is currently housed in Mount Olive Correctional Center.

And the Court finds that good cause exists to resentence the Defendant to permit him to timely file and perfect an appeal in this matter. Therefore, it is accordingly **ORDERED** that the Defendant, John A. Hartman, is hereby

resentenced to the original terms and conditions of this Court's Sentencing Order of April 02, 2010, to which said Order reference is hereby made for all pertinent purposes with regard to the sentence. Defendant is only being resentenced by this Order to allow for a timely appeal. It is further **ORDERED** that the Preston County Circuit Clerk provide an attested copy of this Order to Richard H. Lorensen, Attorney for John A. Hartman, and William Means, Prosecuting Attorney.

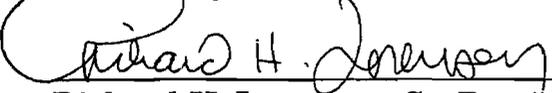
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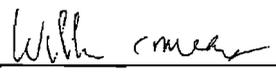
ENTER this 7 day of April, 2011.

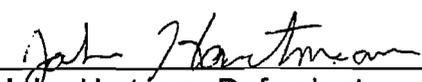

Lawrance S. Miller Jr., Judge

ENTERED: APRIL 7, 2011
Betsy Castle, clerk
by: Ophelia Turner,
deputy

Order Prepared by:


Richard H. Lorensen, St. Bar #2242
WV Public Defender Services
One Players Club Drive, Suite 301
Charleston, WV 25311


WILLIAM MEANS, St. Bar # 8578
PROSECUTING ATTORNEYS OFFICE
106 WEST MAIN STREET ROOM 201
KINGWOOD WV 26537


John Hartman, Defendant

A TRUE COPY:
ATTEST: S/BETSY CASTLE
CLERK OF THE CIRCUIT COURT
By:  Deputy