

14-0339

IN THE CIRCUIT COURT OF KANAWHA COUNTY
CHARLESTON, WEST VIRGINIA

2014 MAR 28 AM 11:25
MAR 31 2014
KANAWHA COUNTY CIRCUIT COURT

STATE OF WEST VIRGINIA

v.

09-F-505 Counts 2, 3, and 4
09-M-67 Count 6
Judge Jennifer F. Bailey

ROBERT LEE LEWIS

ORDER RE-SENTENCING DEFENDANT
AND
APPOINTING APPELLATE COUNSEL

Pending before this Court is the Defendant's Motion to Resentence the Defendant, Robert Lee Lewis, for purposes filing a petition for appeal and the Defendant's Motion to Appoint Appellate Counsel. For reasons stated below, both Motions are granted.

The Defendant, Robert Lee Lewis, stands convicted, having been found guilty by a jury, of Burglary by Entering Without Breaking as contained in Count Two of the Indictment 09-F-505; Abduction with Intent to Defile, a lesser included offense as contained in Count Three of the Indictment 09-F-505; and Second Degree Sexual Assault as contained in Count Four of the Indictment 09-F-505, being a second offense felon as contained in the Information 09-F-505; and the Defendant, Robert Lee Lewis, entered his plea of guilty to Violation of a Domestic Violence Protective Order as contained in Count Six of the Indictment 09-M-67.

A disposition hearing was held in this matter on April 20, 2010, and the Court sentenced the Defendant, Robert Lee Lewis, as follows:

1. 09-F-505 Count Two: for an indeterminate term of imprisonment of not less than one (1) year nor more than fifteen (15) years;

2. 09-F-505 Count Three: for an indeterminate term of imprisonment of not less than three (3) years nor more than ten (10) years, to run consecutive to Count Two;
3. 09-F-505 Count 4: for an indeterminate term of not less than twenty (20) years nor more than twenty-five (25) years, to run consecutive to Counts Two and Three, said term representing the sentence provided for this offense under the statutory law of this State and enhanced pursuant to the provisions of West Virginia Code § 61-11-18 inasmuch as the Defendant, Robert Lee Lewis, was found guilty by verdict of a jury on March 30, 2010 in Case 09-F-505 of being a twice convicted, or second offense felon;
4. 09-M-67 Count 6; for a period of twelve (12) months to be served at South Central Regional Jail, to run concurrent with 09-F-505 Counts Two, Three, and Four.

The Court ORDERED that the Defendant, Robert Lee Lewis, receive 388 days credit for time spent in jail awaiting trial and conviction, as of April 20, 2010, i.e. the date of the sentencing hearing. The Court entered a written SENTENCING ORDER on April 27, 2010. The Defendant, Robert Lee Lewis, was remanded to the West Virginia Division of Corrections for execution of his sentence.

Upon the Court's ORDER granting, in part, the Defendant's Petition for a Writ of Habeas Corpus, the Defendant's Motion for Resentencing and the Defendant's Motion for Appointment of Appellate Counsel are GRANTED. The Court ORDERS that the aforementioned sentence imposed upon the Defendant, Robert Lee Lewis, be, and hereby is, RE-IMPOSED. The Court further ORDERS that Matthew A. Victor, is appointed to

represent the Defendant, Robert Lee Lewis, in this matter for the purposes of filing a direct criminal appeal.

The Clerk of the Kanawha County Circuit Court is directed to provide certified copies of this ORDER to all counsel of record, to the Defendant, Robert Lee Lewis, at the Mount Olive Correctional Complex, and to the West Virginia Division of Corrections.

IT IS SO ORDERED.

DATE: March 27, 2014

ENTER: *Just J. Bailey*
CIRCUIT COURT JUDGE

Prepared by:

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STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT.
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 31
Inspected by: DAY OF March, 2014
Cathy S. Gatson CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
K. Michele Drummond
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