

In the Circuit Court of Preston County, West Virginia

State of West Virginia

vs.

Case No. 18-F-44

Honorable Steven L. Shaffer

Steven Jonathan Tewalt

Sentencing Order and Assessing Fine

A Sentencing Hearing was held in the above-styled case on April 19, 2019. The State appeared by Savannah H. Wilkins, Assistant Prosecuting Attorney of Preston County. The Defendant appeared in person and by counsel, Jeremy Cooper. Also present was Cherity Shahan, Probation Officer of this Court

Following a Jury Trial held on February 5 and February 6, 2019, the Defendant was found Guilty of "Strangulation" a felony as charged in the Indictment.

The Court has received the Pre-Sentence Investigation Report and inquired of Counsel whether the report had been received and reviewed by them and by the Defendant. Counsel informed the Court that the Defendant had received and reviewed the same. Upon addressing counsel for the Defendant and the Assistant Prosecuting Attorney, the Court determined that all parties have had the opportunity to read the Pre-Sentence Investigation and have discussed the report thereof made available to them pursuant to Rule 32(b) of the West Virginia Rules of Criminal Procedure. The Pre-Sentence Investigation Report was filed and made a part of the record herein. The Court accepts the Pre-Sentence Investigation and incorporates it as the Court's Findings of Fact in this Sentencing Hearing.

The Court then heard and considered the statements of the Defendant's counsel and informed the Defendant of his right of allocution before Sentencing.

Thereupon, the Court reviewed the Defendant's background as set forth in the Pre-sentence Investigation Report and other matters as stated on the record in this case, which are incorporated herein by reference. The Court concluded that it is not appropriate to grant the Defendant probation nor alternative sentencing, and finds that a period of confinement is appropriate in this case.

Nothing further being offered in delay of judgment with regard to the Defendant's convictions as herein recited,

It is hereby **ORDERED** that the Defendant, Steven Jonathan Tewalt, upon his conviction of "Strangulation" is sentenced to imprisonment in the State Penitentiary for a period of not less

than one (1) nor more than five (5) years. The Defendant is given credit for 514 days time served at Tygart Valley Regional Jail. The Defendant is assessed Court costs in this proceeding and fined \$1,500.00.

CONVICTION DATE: February 6, 2019
SENTENCE DATE: April 19, 2019
EFFECTIVE SENTENCE DATE: The Defendant is given credit for 514 days time served at TVRJ.

The Court explained to the Defendant his right to appeal, the necessity of filing a notice of appeal within thirty (30) days, his right to a free transcript, his right to have the Court appoint him an attorney if he cannot afford one, and his right to file a motion for Reduction of Sentence within 120 days as provided in Rule 35(b) of the West Virginia Rules of Criminal Procedure. The Defendant was further given a written copy of his Notice of Appellate Rights, which explains his appellate rights in more detail. The Court continues the appointment of Jeremy Cooper as his attorney for any such appeal or further proceedings. The original of the Notice of Appellate Rights was filed in the Court file in this case. It is further

120 **ORDERED** that the Defendant, Steven Jonathan ^{Tewalt} Tewalt, shall have no contact, direct or indirect, with Krystal until further Order of this Court, and shall not in any case be dissolved without reasonable notice to the parties named herein.

It is further **ORDERED** that the Defendant be remanded immediately to the custody of the West Virginia Division of Corrections for disposition in accordance with this Order.

The Defendant is saved his objections and exceptions to the ruling of the Court.

It is further **ORDERED** that the Clerk of this Court mail or deliver a certified copy of this Order to: Jeremy Cooper, counsel for the Defendant; West Virginia Division of Corrections, facsimile no. 304/558-8430; Todd Schell, Probation Officer of this Court; Tygart Valley Regional Jail, facsimile no. 304/637-0385; and the Office of the Prosecuting Attorney.

Enter: APRIL 26, ~~2018~~ ²⁰¹⁹

Entered: APRIL 26, ~~2018~~ ²⁰¹⁹

A TRUE COPY:

ATTEST: S/BETSY CASTLE
CLERK OF THE CIRCUIT COURT

By:

Debra Turner
Deputy

Order Prepared By:

Savannah H. Wilkins
Savannah H. Wilkins
Assistant Prosecuting Attorney

Order Approved By:

J.C. via e-mail 4-25-19
Jeremy Cooper
Counsel for the Defendant

IN THE CIRCUIT COURT OF PRESTON COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,
Plaintiff,

v.

//

Case No. 18-F-44
Hon. Steven L. Shaffer

STEVEN JONATHAN TEWALT,
Defendant.

ORDER FOLLOWING POST TRIAL MOTION HEARING

On the 18th day of March, 2019, came the State of West Virginia by Savannah Hull Wilkins, Assistant Prosecuting Attorney of Preston County, West Virginia, and came the Defendant, Steven Tewalt, in person and through counsel, Jeremy Cooper, for a motion hearing in the above-styled matter.

At the onset of the hearing, the Court addressed the Defendant's Motion to Dismiss Recidivist Information. After hearing proffer and argument of counsel and finding that the State has no objection, the Court **GRANTS** the Defendant's motion and **ORDERS** that the State's Recidivist Information be **DISMISSED**.

The second matter addressed was the Defendant's Motion for New Trial. After hearing proffer and argument of counsel all of which is more fully stated on the record and incorporated herein by reference, the Court **FINDS** that the Defendant has not set forth an adequate basis for a new trial and accordingly **DENIES** the Defendant's Motion for New Trial.

The third motion addressed by the Court was the Defendant's Motion for Judgment of Acquittal. After hearing proffer and argument of counsel all of which is more fully stated on the record and incorporated herein by reference, the Court **FINDS** that the Defendant has not set forth an adequate basis for judgment of acquittal and accordingly **DENIES** the Defendant's Motion.

The fourth motion addressed by the Court was the Defendant's Motion in Arrest of Judgment. After hearing proffer and argument of counsel all of which is more fully stated on the record and incorporated herein by reference, the Court accordingly **DENIES** the Defendant's Motion for Arrest of Judgment.

SW
2-18-19

J.C.
via email
2-18-19

The fifth motion addressed by the Court was the Defendant's Motion for a Mistrial. After hearing proffer and argument of counsel all of which is more fully stated on the record and incorporated herein by reference, the Court FINDS that the Defendant has not set forth an adequate basis for a mistrial and accordingly DENIES the Defendant's Motion.

The Court then ORDERED that the Sentencing Hearing in this matter would be set for April 19, 2019, at 2:30 p.m. The Defendant is saved his exception to the rulings of this Court.

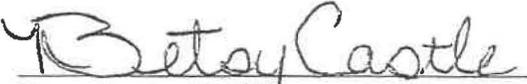
The Clerk is hereby directed to mail or deliver a certified copy of this Order to: Jeremy Cooper, Counsel for the Defendant; and the Office of the Prosecuting Attorney.

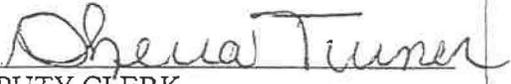
ENTER this 19th day of March, 2019.


Steven L. Shaffer, JUDGE

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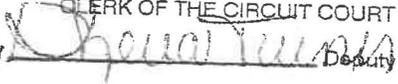
ENTERED this 19 day of March, 2019.


Betsy Castle, CLERK

By: 
DEPUTY CLERK

A TRUE COPY:

ATTEST: S/BETSY CASTLE
CLERK OF THE CIRCUIT COURT

By:  Deputy