



March 18, 2020

Braxton County BOE
Sutton, WV

ORAL ARGUMENTS BEGIN AT 10:00 AM

Case No. 1

State of West Virginia vs.) Nicholas Varlas, No. 19-0005

Background:

Nicholas Varlas was twice convicted of second-degree sexual assault and attempted first-degree sexual assault. In his first trial, he received a suspended sentence and successfully appealed his conviction to the Supreme Court of Appeals of West Virginia. The Supreme Court awarded him a new trial. In his second trial, he was convicted of the same crimes and was sentenced to ten to twenty-five years in prison. He argues the sentence for his second conviction should have likewise been suspended and he should have been put on probation for five years. His second conviction is the subject of this appeal.

Argument of Petitioner (Nicholas Varlas):

The imposition of a harsher penalty upon reconviction violated Varlas's right to due process. In West Virginia, there is a blanket prohibition on imposing an increased penalty upon reconviction following a successful appeal.

Argument of Respondent (State of West Virginia):

The sentence imposed is valid because Varlas did not receive a harsher penalty upon reconviction; the sentence imposed upon his initial conviction was suspended.