

**In the Circuit Court of Marion County, West Virginia**

**State of West Virginia,**  
Plaintiff,

v.

Case No. CC-24-2021-F-132  
Judge David R. Janes

**DAVID HUNTER LEWIS,**  
Defendant

**SENTENCING ORDER**

On the 11<sup>th</sup> day of October, 2022, came the State of West Virginia, by Jeffrey L. Freeman, its Prosecuting Attorney, and came the Defendant, DAVID HUNTER LEWIS, in person and by his counsel, Scott Shough and John Rogers, and came the Adult Probation Office, by Jared Wharram, all for the purpose of a sentencing hearing in the above-styled case after the completion of the Pre-Sentence Investigation and Report.

Thereupon, the Court proceeded to hear the arguments and representations of counsel for both Defendant and the State regarding sentencing, as well as the statements of Defendant, himself, and in consideration of same, and of all matters of record, herein, the Court ORDERED that Defendant be, and hereby is, sentenced upon Count I of Indictment, charging the offense of MURDER IN THE SECOND DEGREE (WITH A FIREARM), a felony and lesser-included offense, to imprisonment in the state penitentiary for a definite term of forty (40) years and upon Count II of the Indictment, charging the offense of USE OF A FIREARM IN THE COMMISSION OF A FELONY, a felony, to imprisonment in the state penitentiary for ten (10) years, to be served concurrently, with credit for time served from the 15<sup>th</sup> day of December, 2020, through this 11<sup>th</sup> day of October, 2022, in the amount of six hundred sixty-six (666) days previously served, herein.

CONVICTION DATE: July 14, 2022

SENTENCE DATE: October 11, 2022

EFFECTIVE SENTENCE DATE: December 15, 2020

It is further ORDERED that the Defendant is required to pay the costs of these proceedings as assessed by the Clerk of the Court and attorney fees as assessed by the Clerk of the Court to be paid within five (5) years of Defendant's release from incarceration to and through the Marion County Circuit Clerk's Office, Marion County Courthouse, 219 Adams Street, Room 211, Fairmont, WV 26554.

Defendant is hereby advised that the offenses to which he is entering these pleas are considered "qualifying offenses" under W. Va. Code §61-11-18. Defendant is further advised that he may be subject to an enhanced sentence of confinement if he is hereafter convicted of any additional qualifying offenses.

The Defendant understands that the offenses herein are crimes punishable by more than one year in prison and he will be prohibited from possessing a firearm as a result of these conviction.

Thereupon, the State moved the Court to incorporate Magistrate Case No. 20-M24F-513 and Bound-over Case No. 20-B-411, and to dismiss any additional charges contained in said numbers into this case and hearing no objection, the Court does hereby ORDER the same be incorporated.

Defendant is hereby advised of the following rights concerning his conviction and sentence:

(1) Within sixty (60) days from the date of your sentence, you may petition the presiding judge of the Circuit Court of Marion County, pursuant to West Virginia Code §62-12-3, for suspension of the execution of your sentence and release on probation.

(2) Within one hundred twenty (120) days from the date of your sentence, you may petition the judge of the Circuit Court of Marion County, pursuant to Rule 35(b) of the West

Virginia Rules of Criminal Procedure, for correction or reduction of your sentence.

(3) Pursuant to Rule 32 of the West Virginia Rules of Criminal Procedure, you can appeal your conviction and/or sentence to the West Virginia Supreme Court of Appeals in Charleston, West Virginia. In order to protect and keep this right of appeal you must:

A. Within thirty (30) days from the date of your sentence, file with the Clerk of the West Virginia Supreme Court of Appeals in Charleston, West Virginia, your notice of intent to appeal; and;

B. Within four (4) months from the date of your sentence, file your petition for writ of error with the West Virginia Supreme Court of Appeals in Charleston, West Virginia.

(4) If you are an indigent and cannot afford an attorney, then this Court will appoint an attorney to represent you to protect your appellate rights as set out in paragraph three (3) above.

A. You must notify the Court in writing of your request to have an attorney for you to exercise these rights.

The foregoing notice was read in open court, and a blue copy of same was given to the Defendant on the 11<sup>th</sup> day of October, 2022.

It is further ORDERED that the Clerk of this Court shall provide a copy of this Order upon entry to: the State of West Virginia, **Jeffrey L. Freeman**, via electronic notification; Counsel for Defendant, **Scott Shough and John Rogers**, via electronic notification; **Adult Probation Office**, via electronic notification; **West Virginia Division of Corrections**, 1409 Greenbrier Street, Charleston, WV 25311; and to the **North Central Regional Jail**, 1 Lois Lane, Greenwood, WV 26415.

All until further Order of the Court.

Prepared By:

/s/ Jeffrey L. Freeman

Jeffrey L. Freeman, #6591  
Prosecuting Attorney

Approved By:

---

Scott Shough,  
Counsel for Defendant

Approved By:

---

John Rogers,  
Counsel for Defendant

**CERTIFICATE OF SERVICE**

I, Jeffrey L. Freeman do hereby certify that on the 11<sup>th</sup> day of October, 2022, I delivered a true copy of the foregoing ORDER to the Circuit Court using the West Virginia E-Filing system, which will send notification of such filing to defendant's counsel, Scott Shough and John Rogers.

The original of this Order has been delivered to the Circuit Judge presiding over the Court proceeding reflected therein. You should initial the same in his office within five (5) days upon receipt of this letter or the Order will be entered without your signature pursuant to the Trial Court Rules.

/s/Jeffrey L. Freeman  
Jeffrey L. Freeman, (WVSB #6591)  
Prosecuting Attorney  
213 Jackson Street  
Fairmont, WV 26554

**/s/ David R. Janes**  
Circuit Court Judge  
16th Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit [www.courtsww.gov/e-file/](http://www.courtsww.gov/e-file/) for more details.

**In the Circuit Court of Marion County, West Virginia**

**State of West Virginia,**  
Plaintiff,

v.

Case No. CC-24-2021-F-132  
Judge David R. Janes

**DAVID HUNTER LEWIS,**  
Defendant

**ORDER APPOINTING APPELLATE COUNSEL**

The above named defendant has filed with this Court an affidavit reciting financial inability to employ counsel in connection with certain proceedings before this Court. After reviewing the affidavit and considering the matter, the Court is of the opinion that the eligibility requirements of West Virginia Code 29-21-1, et seq. are satisfied. Accordingly, the Court ORDERS that:

**JEREMY B. COOPER, ESQUIRE**, (304) 376-0037 a licensed lawyer practicing before the Bar of this Court, is hereby appointed to represent the defendant on his APPEAL and is instructed to contact the defendant forthwith.

The Circuit Clerk County of Marion County shall provide a certified copy of this order to the Prosecuting Attorney of Marion County; to the above named appellate attorney, Jeremy Cooper, Esquire, 6 Loop Street # 1, Aspinwall, Pennsylvania 15215, and to the defendant, David Hunter Lewis # 3615021, North Central Regional Jail, # 1 Lois Lane, Greenwood, West Virginia 26415.

/s/ David R. Janes  
Circuit Court Judge  
16th Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit [www.courtswv.gov/e-file/](http://www.courtswv.gov/e-file/) for more details.