

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
Plaintiff,

FILED

2023 AUG 15 P INDICTMENT NO. 22-F-234
JUDGE Gregory L. Howard Jr.

ANDY C CAIN,
Defendant.

MIKE WOELFEL
CIRCUIT CLERK
CABELL CO. WV

SENTENCING ORDER

On this the 7th day of August, 2023, came the defendant in person and by counsel, Tanner Wall, and also came the State of West Virginia by Teresa M. Samuels, Assistant Prosecuting Attorney, Cabell County, and Tyler Shoub, Assistant Prosecuting Attorney, Cabell County, West Virginia, for sentencing pursuant to the defendant having previously been found guilty to the only offense of "Malicious Assault" as contained in Count I of Indictment No. 22-F-234, guilty to the Felony offense of "Use of Presentment of a Firearm during the Commission of a Felony" contained in Count II of Indictment No. 22-F-234, guilty of the Misdemeanor offense of "Domestic Battery" as contained in Count III of Indictment No. 22-F-234, guilty to the Felony offense of "Wanton Endangerment" as contained in Count V of Indictment No. 22-F-234, and guilty to the Felony offense of "Person's Prohibited from Possessing a Firearm" as contained in Count VI of Indictment No. 22-F-234.

Whereupon, Counsel for the defendant, moved this Honorable Court for a New Trial, after hearing representations of Counsel, the Court was of the opinion to DENY the defendant's motion for a New Trial.

Upon addressing counsel for the defendant, the Court determined that the defendant and his counsel have had the opportunity to participate in the presentence investigation and have read and discussed the report thereof made available to them pursuant to Rule 32(b) of the West Virginia Rules of Criminal Procedure. Further, the Court determined that there are no unresolved objections to said presentence report.

e defendant and addressed the defendant personally and asked him if he wished to make a statement in his own behalf and/or to present any information in mitigation of punishment.

Thereafter, the Court then demanded of the said Randy C Cain if he had or knew anything to say why the Court should not proceed to pronounce the sentence of the law against him, and nothing being offered or alleged in delay of judgment, it is ORDERED that the defendant be committed to the custody of the Division of Corrections for a period of not less than two (2) nor more than ten (10) years on Count I of Indictment No. 22-F-234, pursuant to West Virginia Code § 61-11-18 Recidivist Enhancement, the defendant's said sentence is enhanced to a period of not less than four (4) nor more than (10) years on Count I of Indictment No. 22-F-234, the defendant be committed to the Division of Corrections for a period of six (6) years on Count II of Indictment No. 22-F-234, said sentences for Count I and II of Indictment No. 22-F-234 shall run consecutive. The Defendant shall be committed to the custody of the Western Regional Jail for a period of twelve (12) months for Count III of Indictment No. 22-F-234, said sentence for Count III of said Indictment shall run concurrent to said sentence of Count II of Indictment No. 22-F-234. The Defendant shall be committed to the custody of the Division of Corrections for a period of three (3) years for Count V of Indictment No. 22-F-234, and to the custody of the Division of Corrections for a period of three (3) years on Count VI of Indictment No. 22-F-234, said sentences for Counts V and VI of Indictment No. 22-F-234 are to run concurrent with each other but are to run consecutive to Counts I and II of Indictment No. 22-F-234.

4. The Defendant shall receive credit for time served in jail and on Home Confinement.

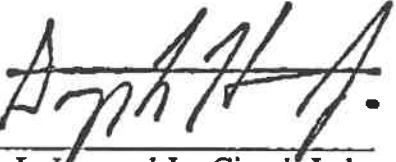
It appearing to the Court that the bond previously posted in this matter is no longer required, it is hereby ORDERED that the Clerk of the Circuit Court deduct from said bond any court ordered fines and court costs and return the remainder of said cash bond to the surety. In the event that a property bond was posted in this matter, upon discharge and release of said bond,

ounty for filing therein.

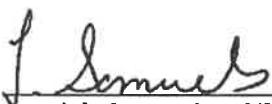
The Clerk of this Court is hereby directed to provide a certified copy of this order to all counsel of record, to the Cabell County Probation Department, the Western Regional Jail, The Division of Corrections and Home Confinement.

There being nothing further to be done in this matter, it is hereby removed from the active docket of the Court.

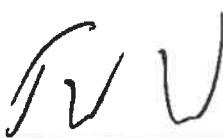
ENTER
ORDER:


Gregory L. Howard Jr., Circuit Judge

REARED FOR ENTRY:


Teresa M. Samuels, SB# 13141
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105th Avenue, Suite 350
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Terri Shoub, SB # 13462
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Jennifer V. Wall, SB# 13483
Counsel for Defendant,

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA
STATE OF WEST VIRGINIA,

Plaintiff,

FILED

vs.

RANDY CAIN

INDICTMENT NO. 22-F-234

2022 OCT 31 P 4:32 JUDGE GREGORY L. HOWARD JR.

ARRAIGNMENT ORDER
CIRCUIT COURT
CABELL CO. WV

On the 24th day of October, 2022, this matter came on before the Court for arraignment purposes and eligibility for assignment of legal counsel. Whereupon, the defendant entered a plea of not guilty.

Thereupon, eligibility having been determined, the Court does hereby ORDER that Tanner Wall shall represent the defendant herein.

Thereupon, it was represented to the Court that the defendant has retained _____ as counsel in this matter.

The defendant then signed a notice of the right to be present at trial and pre-trial matters, and that in the event of her absence therefrom, the Court would deem said absence to be a waiver of right to be present and proceed with the prosecution of this case. The Defendant then signed a waiver of extradition.

No bond shall be set at this time.

It is the ORDER of this Court that the defendant be set a

- Standard Bond
- Cash Only Bond
- Personal Recognizance Bond

in the amount of _____ with a return date of the _____ day of _____, _____, at _____, and until Final Disposition.

With the special condition of Day Report.

It is the ORDER of this Court that the defendant's bond shall remain the same at this time.

With the added special condition of _____.

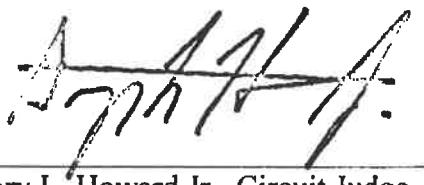
The Court ORDERS that the defendant be evaluated for Home Confinement at this time.
 The Court ORDERS that the defendant submit a drug screen this day.

It is further ORDERED that this matter be set on the docket of this Court for pre-trial hearing on the 21st day of November, 2022, at 10:15, before the Honorable Judge Gregory L. Howard Jr. This matter shall be set for Jury Trial on December 13, 2022 at 9:00 a.m.

The Clerk of this Court is hereby directed to provide a certified copy of this order to all counsel of record and via facsimile to

- The Western Regional Jail
- Home Confinement
- The Day Report Center.

ENTERED:
ORDERED:



Gregory L. Howard Jr., Circuit Judge

PREPARED FOR ENTRY BY:



J. Sonnells
Tyler Shoub, SB# 13462
Assistant Prosecuting Attorney
Cabell County Courthouse
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