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F-A-X

DATE: 24 Oct 06

TO: Mr Barber

FROM: SA

RE: re-sentencing order

OF PAGES (4) (INCLUDING COVER SHEET)

COMMENTS: Appeal deadline runs from
sentencing. Re-sentencing
creates new appeal deadline.
Thanks,
Andy

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Arnold

received
9/26/06

**IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA
DIVISION II**

STATE OF WEST VIRGINIA

VS.

**CRIMINAL ACTION NO. 05-F-257
JUDGE WILKES**

STONE RILEY

BERKELEY COUNTY
CIRCUIT CLERK
2006 SEP 25 PM 12:52
VIRGINIA SIRE, CLERK

SENTENCING ORDER

This 25 day of September, 2006, came the defendant by and through counsel, S. Andrew Arnold, Esq., and came the State of West Virginia by Assistant Prosecuting Attorney Christopher Quasebarth, for an agreed re-sentencing.

Whereupon, the defendant having previously been convicted by a petit jury of robbery in the second degree and conspiracy to commit robbery. The defendant was also convicted of having previously committed a felony offense. The matter comes now before this Court for sentencing.

Thereafter the Court did inquire of the Defendant and his counsel. If either had any just or legal cause why sentence should not now be pronounced and no just of legal cause to the contrary being shown, and upon no statement being made to the Court by the Defendant, and the argument of his counsel and the State, the Court proceeded to sentencing.

Accordingly it is ORDERED and ADJUDGED that the Defendant, Stoney Riley is hereby SENTENCED to an indeterminate sentence of not less than ten

nor more than eighteen years in the custody of the Commissioner of the Department of Corrections upon his conviction for robbery, a felony and a second offense habitual finding by the jury and the State shall recover of and from the Defendant its costs on his behalf expended.

It is ORDERED and ADJUDGED that the Defendant, Stoney Riley is hereby SENTENCED to an indeterminate sentence of not less than one nor more than five years in the custody of the Commissioner of the Department of Corrections upon his conviction for conspiracy to commit robbery, a felony and the State shall recover of and from the Defendant its costs on his behalf expended.

It is ORDERED that the sentences shall be served consecutively to each other and consecutive to any other sentences.

CONVICTION DATE: January 25, 2006 (second degree robbery)
February 15, 2006 (second offense habitual finding)

SENTENCING DATE: September 25, 2006

EFFECTIVE SENTENCING DATE: January 27, 2004

It is further ORDERED that the Defendant shall pay court costs within one year of his release from incarceration.

It is further ORDERED that the Defendant, through the Clerk of this Court, shall pay the sum of \$54.00 to the Southland Corporation, 8949 Williamsport Pike, Falling Waters, West Virginia as restitution within one year of his release.

The defendant is remanded to the Eastern Regional Jail pending transport by agents from the Department of Corrections.

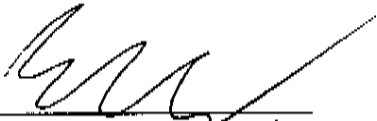
The objection of both parties to adverse rulings are noted.

The CLERK shall enter the foregoing as of the day and date first above written and shall transmit attested copies to all counsel of record, S. Andrew Arnold, West Virginia Department of Corrections, Eastern Regional Jail and, the probation office.



CHRISTOPHER C. WILKES, JUDGE
TWENTY-THIRD JUDICIAL CIRCUIT
BERKELEY COUNTY, WEST VIRGINIA

Agreed to:



S. Andrew Arnold, Esq.



Christopher Quasebarth
Assistant Prosecuting Attorney

A TRUE COPY
ATTEST

Virginia M. Sine
Clerk Circuit Court

By: 
Deputy Clerk