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Reporter's Certificate

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P R O C E E D I N G S

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2 THE COURT: 05-F-252, State versus Stoney Riley.

3 MR. HENLINE: This is originally set as a bond reduction
4 hearing on where I believe the State earlier this year had
5 filed a motion to revoke the defendant's bail. It has now
6 been converted to an arraignment hearing because the grand
7 jury indicted Mr. Riley on the bound over charges.

8 THE COURT: Have you all had a chance to review the
9 indictment? Do you want to do the arraignment today?

10 MR. WHITEOAK: That's fine.

11 THE COURT: Have you had a chance to review the
12 indictment?

13 MR. WHITEOAK: Yes, Your Honor. Mr. Riley received a
14 copy of the indictment, understands the nature of the charges
15 therein, would waive reading in open court, and enter a plea
16 of not guilty at this time.

17 THE COURT: Is he demanding a trial at this term?

18 MR. WHITEOAK: I think we will, Your Honor. We are still
19 going to ask to address the bond motion.

20 For the record, this is Ms. Lawson's case.

21 THE COURT: Why don't we set the trial for January the
22 3rd with pretrial January 2nd at 9:30 a.m.

23 CLERK: I think that's a day off.

24 THE COURT: January 2nd is a holiday. You're right. If

1 the 1st falls on a Sunday then we get the Monday.

2 Why don't we move it back a day. Set the trial for
3 January 4th--let's set the trial for January 24th.

4 MR. WHITEOAK: Your Honor, I can't read Ms. Lawson's
5 correctly. She has a trial with Jason Bryant.

6 THE COURT: That's with me. Pretrial January 23rd at 2
7 p.m. Second status hearing January 6th at 9 a.m. and a first
8 status December 2nd at 9 a.m.

9 Is defense requesting discovery?

10 MR. WHITEOAK: Yes, Your Honor.

11 THE COURT: If the State could provide it within 20 days
12 and any response within 10.

13 What's the bond set now?

14 MR. WHITEOAK: It was revoked previously--

15 THE COURT: Because of--

16 MR. WHITEOAK: --May or June.

17 THE COURT: Because of what kind of crimes?

18 MR. HENLINE: He was on bond back in--well, the first
19 time was 2002 for a crime of forgery. Then in 2004 committed
20 the acts which are another forgery and robbery on April 5th,
21 2004 in violation of the 2002 bond. 2004 that April he was
22 placed on bond once again. After that he committed further
23 offenses of, I believe, it was obstructing an officer and no
24 insurance and the date he was picked up I believe on the bail

1 revocation I was informed by Mr. Behan that he recently had
2 him in magistrate court, I believe, he said for two counts of
3 driving revoked for DUI as well.

4 THE COURT: Convince me why I should change my mind now.

5 MR. WHITEOAK: Back in 2002 he was charged with 2002-489
6 and 490 down in magistrate court. They were not indicted.

7 THE COURT: They're not in this?

8 MR. WHITEOAK: They're not in this charge. Then one--the
9 other, the forgery that Mr. Henline referred to from the date
10 of the robbery and forgery, that forgery was not charged in
11 this indictment either. His magistrate court sentences, I
12 believe, end as of Monday. This will be the only thing that
13 will be keeping him in at this point. Mr. Riley--

14 THE COURT: Doesn't sound like such a bad idea. I bet he
15 hasn't committed any crime since he's been in jail.

16 MR. WHITEOAK: I would like to think not.

17 THE COURT: I would like to think not too.

18 MR. WHITEOAK: Mr. Riley is a 20 plus year resident.

19 THE COURT: What's his criminal record?

20 MR. WHITEOAK: No felony convictions.

21 THE COURT: How many misdemeanors?

22 MR. WHITEOAK: That I can't speak to off the top of my
23 head. I know he has nothing else out there.

24 THE COURT: Basically what you're saying is the crimes

1 while he committed on bond he has already been convicted of.

2 MR. WHITEOAK: Those things were pled out.

3 THE COURT: Something leads me to believe that's even
4 stronger evidence that he probably has predisposition to
5 commit further offenses pending if I were to release him.

6 Now, I do have--his criminal record has been provided by
7 the State. Comes in at about pound, pound and a half
8 approximately. That's all citations and stuff remaining
9 unpaid.

10 Alias is really Stoney Moniker, Moniker is actually his
11 last name alias. Sounds like something out of a bad detective
12 novel. Driving suspended or revoked, attempt to commit
13 uttering, grand larceny, stop sign violation, obstructing,
14 false information, driving suspended, failure to appear, open
15 container, underage drinking, possession of drug
16 paraphernalia, obstructing, another capias issued for failure
17 to appear on a petit larceny, another failure to appear,
18 obstructing. Things aren't looking too good. False
19 information to a member of the Department of Public Safety.
20 Underage drinking, obstructing an officer, destruction of
21 property, petit larceny, battery, destruction of property,
22 burglary pled down to a petit larceny. Not all of these are
23 convictions. A lot of these are just arrests.

24 MR. WHITEOAK: Yes, sir.

1 THE COURT: Burglary, obstruction, possession of drug
2 paraphernalia, forgery, attempted uttering. We just switched
3 counties. I think that moved over to Jefferson County. Here
4 is a shoplifting. That is in Brick Township, I guess. I
5 don't know where that is. Brick Township Municipal Court.
6 Guilty of shoplifting.

7 I guess this is going to be California we're in now, I
8 would assume. Under the influence of controlled substance,
9 under the influence of a controlled substance, possession of a
10 controlled substance, receiving known stolen property, bench
11 warrant issued out of I guess it's LA Metro.

12 We've got Hollywood. Possession of controlled substance
13 for sale in Hollywood.

14 Then we go to Baldwin Park. That is taking vehicle
15 without consent of owner, possession of controlled substance,
16 under the influence of controlled substance.

17 Then we move over to Covina. Convicted of a misdemeanor.

18 Then we go over to Culver City. Bench warrant issued out
19 of Culver City. Possession of controlled substance for sale,
20 getting credit using other's ID on two of them, two counts
21 there.

22 Back in Hollywood. Attempted burglary, theft.

23 Like I say, some of these he's got dismissed. That's
24 what--this is what I like, in furtherance of judicial

1 clogged--what's that, clogged docket. Lost property, theft;
2 convicted, trespassing to property; convicted.

3 Back into Hollywood's Division. Failure to appear after
4 written promise. Isn't that something. Bench warrant issued
5 there. Two bench warrants. Possession of controlled
6 substance. Receiving known stolen property, selling
7 somebody's access card, fraud. Then they detained him only
8 for further investigation on the grand theft of access cards.

9 I like that California. They've got that rule they can
10 arrest you and put you in jail without charging you for a
11 crime for 48 or 72 hours.

12 Let's see if it did him any good. False I.D. to specific
13 peace officers. Possession of hypodermic needle and syringe.

14 Here we are back in Los Angeles. Possession of dangerous
15 drugs. Sent it out to the weekend fugitives detail so I guess
16 he didn't show up somewhere. Then this other stuff I don't
17 believe is his.

18 So even if I took ten percent of them, I think he would
19 have a lot of reasons why bond should stay revoked.

20 MR. WHITEOAK: Mr. Riley does want to make the Court
21 aware there are no convictions and a lot of those are
22 apparently not him from what he says. Identity problem.

23 THE COURT: Let me see your left arms. Do you have any
24 tattoos there?

1 DEFENDANT: No.

2 THE COURT: How about your right arm? There it is.
3 Talks about tattoo on the arm. Well, some of these may not
4 be. But even if I knock 50 percent of them as not being you
5 and another 40 or 90 percent of that, 50 percent left over not
6 being convictions although there are a lot of convictions and
7 a lot of capiases there. Just what's happened in West
8 Virginia since you made bond is enough to keep you in. That's
9 why I revoked it in the beginning.

10 I don't see any reason to reduce that. If I let you out
11 you're going to be back in trouble again. I'm not going to
12 take the chance now. I think we did the right thing in
13 keeping that bond revoked.

14 I will note your exception, Mr. Whiteoak.

15 I think the appropriate thing is to keep the bond
16 revoked. You will get a copy of the scheduling order.

17 MR. WHITEOAK: Yes, sir.

18 (Proceeding concluded.)

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1 STATE OF WEST VIRGINIA,
2 COUNTY OF BERKELEY, TO WIT:

3

4 I, Tracy P. Herron-Rice, Official Court Reporter for the
5 Circuit Court of Berkeley County, West Virginia, do hereby
6 certify that the foregoing is a true and correct transcription
7 of the proceedings in the matter of State of West Virginia v.
8 Stoney Riley, 05-F-252, held on the 21st day of October, 2005
9 as reported by me.

10 I further certify that the foregoing was prepared in
11 accordance with Code 51/7/4.

12 Given under my hand this 30th day of May, 2006.

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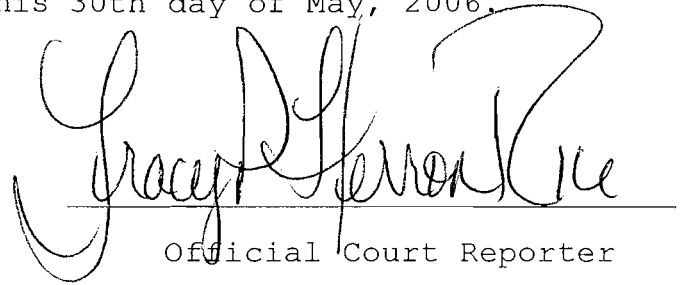
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Tracy P. Herron-Rice

Official Court Reporter

5/30/06

WEST VIRGINIA:

IN THE CIRCUIT COURT OF BERKELEY COUNTY

STATE OF WEST VIRGINIA,

Plaintiff,

v. CRIMINAL ACTION NO.: 05-M-601-644

STONE RILEY,

Defendant.

Friday, December 2, 2005
Martinsburg, West Virginia

The above-entitled matter came on for hearing in the Circuit Court of Berkeley County, commencing at approximately 9:30 a.m., before Robert W. Speelman, a Notary Public:

BEFORE:

The Honorable Christopher Wilkes

**HOCKMAN COURT REPORTING SERVICES
P.O. BOX 3778
Winchester, Virginia 22604
(540) 667-3704**

ORIGINAL

APPEARANCES

COUNSEL FOR PLAINTIFF:

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Public Defender's Office
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COURT REPORTER:

Robert W. Speelman
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1 MS. LAWSON: I did, Your Honor.

2 THE COURT: Did you set it for today, or did we set it for
3 the 20th?

4 MS. LAWSON: No, I got an Order basically denying...

5 THE COURT: That's right, because I'd already
6 considered his bond.

7 MS. LAWSON: Your Honor, let me...

8 THE COURT: Oh, I got them yesterday. Apparently
9 Jefferson County wants him for failure to appear for sentencing too. Did I
10 set bond for this gentleman?

11 MS. LAWSON: No, he's in jail without bond at this time.

12 THE COURT: Probably a good thing. I felt like, when I
13 said months ago I said I'm probably not going to give him bond. Good
14 thing, from what I got down at Jefferson County, is he failed to appear for
15 sentencing for Judge Steptoe.

16 MS. LAWSON: That's my understanding...

17 THE COURT: That's what the warrant says.

18 MS. LAWSON: ...from the information Mr. Henline gave
19 to me this morning.

20 THE COURT: They sent him up here because they
21 wanted him served, and they can go serve their own. If it wasn't my fault
22 I'm not going to have one of my deputies have to get tied up in the middle

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1 of court for it. But let's see, the 8th of December, having been admitted
2 to bail and released willfully and without just cause did fail to appear in
3 Jefferson County Circuit Court for sentencing.

4 MS. LAWSON: I'll call his attorney down in Jefferson
5 County and let them know that he's available for sentencing.

6 THE COURT: Okay. I don't know if these have been
7 served; did they serve them?

8 MR. HENLINE: Last night.

9 THE COURT: Okay. So, he was served with them.

10 MS. LAWSON: I believe he tells me that bond has
11 already been set on those.

12 THE COURT: That's pretty amazing on a Circuit Court
13 capias overnight.

14 MS. LAWSON: That's what I am told.

15 MR. HENLINE: They arraigned him on the warrant of
16 the capias, a Magistrate did it by video from Jefferson County. No, he
17 hasn't been before Judge Steptoe.

18 THE COURT: Judge Steptoe's capias. But I still think I
19 was right, if he failed to appear for sentencing down there, that's still, I
20 think would disqualify him from bond in my eyes here.

* 21 MS. LAWSON: I have so advised Mr. Riley, although he
* 22 doesn't think so.

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1 THE COURT: It certainly is a negative impact upon him,
2 to have this come up. It's a terrible thing when Judges get together or
3 counties get together and exchange information. But I'm still going to, I'll
4 deny your motion for bond again. And for the record, because there's
5 even more evidence as to why he shouldn't have bond than there was
6 before when I denied it two times.

7 MS. LAWSON: Mr. Riley has a bunch of personal factors
8 that he contends would outweigh the Court's assessment on that, but I'm
9 well aware of the Court's standing practice in these cases and I have
10 advised Mr. Riley of his likelihood of success and we've filed a number of
11 bond motions, all of which have met with no success at all.

12 THE COURT: I will give you all the credit for trying,
13 because you have. But you know, you get a hearing and if there's nothing
14 different, then you're not going to get another hearing, as you well know
15 because you got the Order. But for all those reasons, plus this, I didn't
16 even know about this stuff 'til it came in last night.

17 MS. LAWSON: I didn't even know 'til I walked in the
18 door this morning.

19 THE COURT: He's just not a good candidate for bond.
20 I'll note your exception for it.

21 MS. LAWSON: Okay.

22 THE COURT: If the State would put in the Order for

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1 today, not only the status on track, but Defendant again moved for bond
2 and the Court denied it based on factors previously set out and the new
3 factors. Thank you all.

4 MS. LAWSON: Thank you, Judge.

5 (WHEREUPON, this Hearing was concluded.)

6

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CERTIFICATE OF NOTARY

I, Robert W. Speelman, the officer before whom this hearing was taken, do hereby certify that the testimony as it appears in the foregoing hearing was taken by me stenographically and thereafter reduced to typewriting by me or under my direction; that said hearing is a true record of the testimony given by said witnesses; that I am neither counsel for, related to, or employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.



Robert W. Speelman
Notary Public in and for the
State of West Virginia

My Commission Expires: August 31, 2006.

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Winchester, Virginia 22604
(540) 667-3704

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Reporter's Certificate

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THE COURT: 05-F-252, State versus Stoney Riley, who is present with counsel, Ms. Lawson, and the State is by Ms. Games-Neely.

MS. GAMES-NEELY: It is actually Mr. Henline.

MR. HENLINE: Mr. Riley, Ms. Lawson and I met yesterday. There was a plea offer but it was rejected. We're scheduled for trial on the 24th and the pretrial the 23rd. The State would ask that the Court enter into a dialog today with the defendant because after today the plea is--

THE COURT: I will do that at the pretrial. Just that if the plea is rejected the State is withdrawing it.

MS. LAWSON: I advised Mr. Riley that if the plea was not accepted it would be withdrawn.

THE COURT: Okay.

MS. LAWSON: We did have a discovery conference. I think everything is in order. We'll have the usual pretrial motions to be heard at the pretrial, and Mr. Henline and I are communicating as far as what is going to be on the table and what issues need to be dealt with at the pretrial.

THE COURT: If you will do an order today, Ms. Lawson, saying we met and we'll meet at the pretrial.

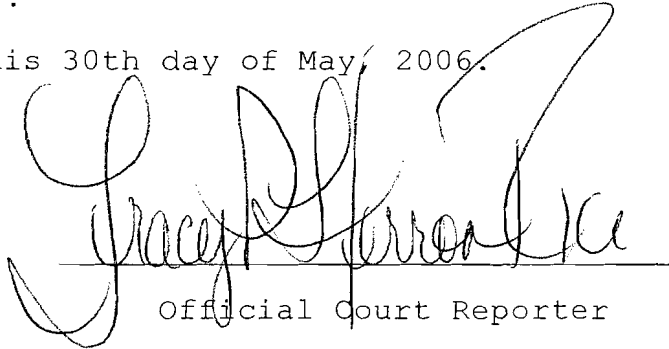
(Proceeding concluded.)

1 STATE OF WEST VIRGINIA,
2 COUNTY OF BERKELEY, TO WIT:
3

4 I, Tracy P. Herron-Rice, Official Court Reporter for the
5 Circuit Court of Berkeley County, West Virginia, do hereby
6 certify that the foregoing is a true and correct transcription
7 of the proceedings in the matter of State of West Virginia v.
8 Stoney Riley, 05-F-252, held on the 6th day of January, 2006
9 as reported by me.

10 I further certify that the foregoing was prepared in
11 accordance with Code 51/7/4.

12 Given under my hand this 30th day of May, 2006.

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14
15 
16 _____
17 Official Court Reporter

5/30/06

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