

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

2009 MAR -5 11:52

STATE OF WEST VIRGINIA

v.

08-F-340

Judge Jennifer Bailey Walker

MARTIN R. BOWLING

ORDER

The defendant, MARTIN R. BOWLING, who stands convicted upon a plea of guilty entered in this Court on the 14<sup>th</sup> day of November, 2008, to the charge of Computer Fraud as contained in Felony Indictment No. 08-F-340, this day appeared in Court, together with his counsel, Erica Lord, and also came the State of West Virginia by Daniel L. Holstein, Assistant Prosecuting Attorney in and for Kanawha County, West Virginia.

THEREUPON, it was demanded of the said MARTIN R. BOWLING, if anything he had or knew to say why the Court should not now proceed to pronounce the sentence of the law against him, and no valid reason being offered or alleged in delay of judgment, it is considered and ORDERED by the Court as follows:

**08-F-340:** That the defendant, MARTIN R. BOWLING, be sentenced and confined in the Penitentiary of this State for a determinate term of three (3) years, with credit for time served in the amount of - 0 - days.

And it is further ORDERED that the proper officer do, as soon as practicable, remove and safely convey the said MARTIN R. BOWLING to the custody of the Division of Corrections, there to be kept imprisoned and maintained in the manner prescribed by law.

WHEREUPON, the prisoner was remanded.

ENTERED this 5<sup>th</sup> day of March, 2009.

3-6-09  
By: [Signature]  
Clerk of Court  
JENNIFER BAILEY WALKER, JUDGE

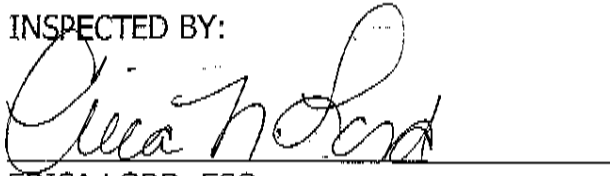
JENNIFER BAILEY WALKER, JUDGE  
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State v. Martin R. Bowling  
Kanawha County Circuit Court, Case No. 08-F-340  
Order – Page 2

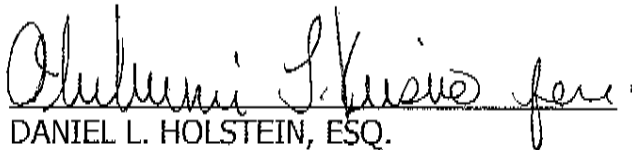
INSPECTED BY:



ERICA LORD, ESQ.

Counsel for Defendant

WV State Bar ID No. 9109



DANIEL L. HOLSTEIN, ESQ.

Assistant Prosecuting Attorney in and for

Kanawha County, West Virginia

Geary Plaza - 4<sup>th</sup> Floor

700 Washington Street, East

Charleston, WV 25301

WV State Bar ID No. 6909

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

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OK  
KANAWHA CO. CIRCUIT COURT

STATE OF WEST VIRGINIA

v.

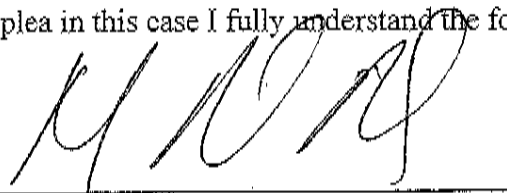
Case No. 08-F-340

MARTIN ROBINSON BOWLING

PLEA OF GUILTY

I, **MARTIN ROBINSON BOWLING**, having been accused in an indictment returned by the May Term 2008 of the Grand Jury of the Circuit Court of Kanawha County of committing the felony offense of Computer Fraud, desire to enter a plea of guilty to the felony offense of Computer Fraud, a provable offense as contained in said indictment.

Before being called upon to enter any plea in this case I fully understand the following:



DEFENDANT

*[Faint handwritten notes and signatures]*

That I have the right to hire a lawyer of my choice and that if I cannot afford to hire a lawyer, the Court will appoint a lawyer qualified in the handling of criminal matters to defend me without cost;

That I have a right to consult with my lawyer and have him advise me and prepare a defense;

That if I plead not guilty, I would receive a public trial by an impartial jury of twelve (12) persons, but by pleading guilty I would not receive such a trial;

That I have the right to remain silent during all proceedings;

That I have a right to confront my accusers and cross-examine them;

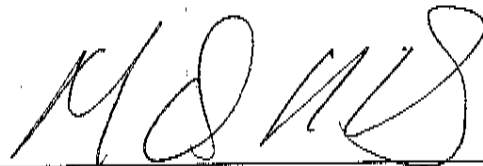
That I have a right to testify in my own defense and to present witnesses in my own defense;

That in the event I am convicted by a jury, I have the right to petition for an appeal of said conviction for any errors of law;

That I have the right to move the Court to suppress illegally obtained evidence and illegally obtained confessions, if any; and,

That I have the right to challenge in the trial court and on appeal all pre-trial proceedings, but by pleading guilty I would waive all pre-trial defects with regard to, among others, my arrest, the gathering of evidence and prior confessions as well as, all non-jurisdictional defects in this criminal proceeding.

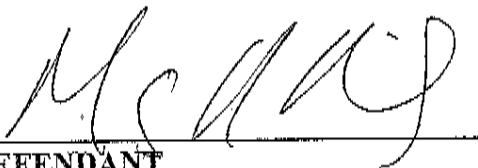
Having read and understood my foregoing rights and further understanding that any plea bargaining which appears in the record of this case is not binding upon the Court with respect to punishment or probation and understanding that in the event I should plead guilty



**DEFENDANT**

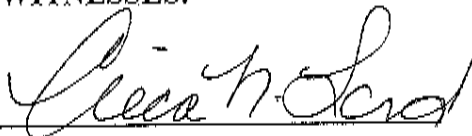
to the felony offense of Computer Fraud, that I could be fined not more than ten thousand dollars (\$10,000.00), or be sentenced to the penitentiary of this State for a determinate term of not more than ten years, or both, it is still my intention and desire to enter a plea of guilty.

Therefore, in the presence of Erica Lord, my counsel, who has, to my total satisfaction, represented and advised me in this case and who has fully explained the nature and meaning of the charges contained in the indictment against me and having received a copy of the indictment before being called upon to plead, I hereby enter a plea of guilty to the felony offense of Computer Fraud, a provable offense as contained in said indictment.

  
DEFENDANT

DATE: 11/14/08

WITNESSES:

  
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STATE OF WEST VIRGINIA, COUNTY OF KANAWHA, to wit:

IN THE CIRCUIT COURT OF SAID COUNTY:

The Grand Jurors of the State of West Virginia, in and for the body of the County of Kanawha, upon their oaths present that MARTIN ROBINSON BOWLING, between July 1, 2006, and July 31, 2007, and prior to the finding of this indictment, in the said County of Kanawha, did unlawfully, feloniously, knowingly, and willfully, directly or indirectly, access and cause to be accessed any computer, computer services, and computer network for the purpose of executing a scheme and artifice to defraud the American Express Company, Michael J. Gleason, Paul Gerard D'Ascensio, Richard Blackmer, Wayne D. Coons, and other persons by means of the fraudulent use of American Express Company cards issued to the said Michael J. Gleason, Paul Gerard D'Ascensio, Richard Blackmer, and Wayne D. Coons, in violation of Chapter 61, Article 3C, Section 4(a), West Virginia Code 1931, as amended, against the peace and dignity of the State.

Found at the May Term, 2008, of the Grand Jury, upon the testimony of LT. DON SCURLOCK NITRO POLICE DEPARTMENT, who was sworn in open Court and sent before the Grand Jury.

STEPHEN B. REVERCOMB  
PROSECUTING ATTORNEY

**FILED**

2008 JUL 31 PM 4:47

CATHY S. GATSON, CLERK  
KANAWHA CO. CIRCUIT COURT

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NO. **08-F-340**

THE CIRCUIT COURT  
OF KANAWHA COUNTY  
MAY TERM 2008

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STATE OF WEST VIRGINIA

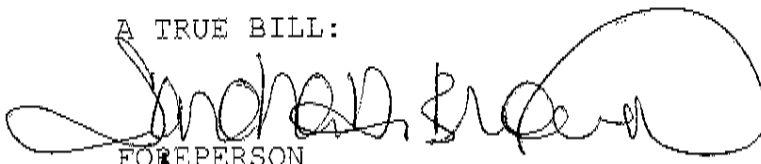
vs.

MARTIN ROBINSON BOWLING

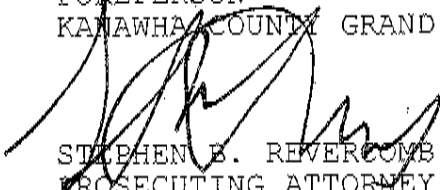
COMPUTER FRAUD - FELONY  
W. Va. Code §61-3c-4(a)

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A TRUE BILL:



FOREPERSON  
KANAWHA COUNTY GRAND JURY



STEPHEN B. REVERCOMB  
PROSECUTING ATTORNEY  
KANAWHA COUNTY, WEST VIRGINIA

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