IN THE CIRCUIT COURT OF [*county*] COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

v. [*case number*]

Hon. [*name*]

[*name-all caps*],

 Defendant.

**MOTION FOR STAY OF EXECUTION OF SENTENCE**

On this date came Defendant, [*name*], by Counsel, [*counsel’s name*], and moved the Honorable Court, pursuant to West Virginia Code § 62-7-1, *et. seq.*, as amended, and Rule 38 of the West Virginia Rules of Criminal Procedure, to stay the execution of the sentence imposed in this case pending further appeal of this matter.

In support of this motion, Defendant asserts that Defendant was sentenced on [*sentencing date*] to [*specify sentence*], and that Defendant intends to appeal the conviction and/or sentence in this matter.

[*if defendant was sentenced to a term of imprisonment and remains incarcerated, it is advisable to request that defendant be housed near the place of trial while the appeal is being prepared*].

Therefore, Defendant requests that the Honorable Court grant the stay requested in the motion herein.

Dated the \_\_\_ day of [*month, year*].

[*defendant*],

By Counsel

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

[*counsel name*] [*bar number*]

[*address*]

[*phone number*]

[*email address*]

Counsel for Defendant