

14-0437

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

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KANAWHA COUNTY CIRCUIT COURT

STATE OF WEST VIRGINIA

v.

Case No. 14-F-51, 14-M-12
(Judge Louis Bloom)

ROY DALE MCKEAN

SENTENCING ORDER

On the 12th day of March, 2014, came the defendant, **ROY DALE MCKEAN**, together with counsel, Frederick Holroyd, and also came the State of West Virginia by Fred J. Giggenbach, Jr., Assistant Prosecuting Attorney in and for Kanawha County, West Virginia, for sentencing in this matter upon the defendant being found guilty by a jury of the Felony offenses of Fleeing with Reckless Indifference to the Safety of Others, Operating a Clandestine Drug Laboratory, Malicious Wounding, and Battery on a Government Representative, as contained in Counts One, Three, Four, and Five of Felony Indictment Number 14-F-51 and of the Misdemeanor offenses of Fleeing on Foot, Assault on a Government Representative and Obstructing, as contained in Counts Two, Six, and Seven of Misdemeanor Indictment Number 14-M-12, entered in this Court on the 10th day of February, 2014.

THEREUPON, it was demanded of the said **ROY DALE MCKEAN**, 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 that the defendant, **ROY DALE MCKEAN**, be sentenced as follows:

14-F-51 COUNT ONE (FLEEING WITH RECKLESS INDIFFERENCE TO THE SAFETY OF OTHERS): to the penitentiary of this State for an indeterminate term of not less than

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one (1) nor more than five (5) years, with credit for time served of one hundred twenty-four (124) days;

14-F-51 COUNT THREE (OPERATING A CLANDESTINE DRUG LABORATORY):

to the penitentiary of this State for an indeterminate term of not less than two (2) nor more than ten (10) years, said sentence shall run consecutive to the sentence imposed in Count One of Felony Indictment Number 14-F-51;

14-F-51 COUNT FOUR (MALICIOUS WOUNDING ON A GOVERNMENT REPRESENTATIVE): to the penitentiary of this State for an indeterminate term of not less than

three (3) nor more than fifteen (15) years, said sentence shall run consecutive to the sentences imposed in Counts One and Three of Felony Indictment Number 14-F-51;

14-F-51 COUNT FIVE (BATTERY ON A GOVERNMENT REPRESENTATIVE): to the penitentiary of this State for an indeterminate term of not less than one (1) nor more than three (3) years, said sentence shall run consecutive to the sentences imposed in Counts One, Three, and Four of Felony Indictment Number 14-F-51;

14-M-12 COUNT TWO (FLEEING ON FOOT): to the South Central Regional Jail for a determinate term of one (1) year;

14-M-12 COUNT SIX (ASSAULT ON A GOVERNMENT REPRESENTATIVE): to the South Central Regional Jail for a determinate term of six (6) months, said sentence shall run concurrent to the sentence imposed in Count Two of Misdemeanor Indictment Number 14-M-12;

14-M-12 COUNT SEVEN (OBSTRUCTING): to the South Central Regional Jail for a determinate term of one (1) year, said sentence shall run concurrent to the sentences imposed in Counts Two and Six of Misdemeanor Indictment Number 14-M-12.

The Court further **ORDERED** that the sentences imposed in Counts Two, Six, and Seven of Misdemeanor Indictment Number shall run concurrent to the sentence imposed in Counts One of Felony Indictment Number 14-F-51.

Also, the Court advised the defendant of his appellate rights under Rule 37 of West Virginia Rules of Criminal Procedure, including that the defendant must file a notice to appeal within thirty (30) days of the judgment and that appeal must be perfected within one hundred twenty (120) days of entry of the Circuit Court's Order.

And it is further **ORDERED** that the proper officer do, as soon as practicable, remove and safely convey the said **ROY DALE MCKEAN**, from the South Central Regional Jail to the Department of Corrections, to be kept imprisoned and maintained in the manner prescribed by law.

WHEREUPON, the prisoner was remanded to Department of Corrections.

It is further **ORDERED** that the Clerk send a certified copy of this Order to all counsel of record, South Central Regional Jail and the Department of Corrections.

ENTERED THIS 14 day of April, 2014

Handwritten signature of Louis Bloom

LOUIS BLOOM, JUDGE
Thirteenth Judicial Circuit

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY,
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT,
GIVEN UNDER MY HAND AND SEAL OF SAID COUNTY
ON _____ DAY OF _____, 2014.
Handwritten signature of Cathy S. Gatson
CLERK
CIRCUIT COURT OF KANAWHA COUNTY WEST VIRGINIA

PRESENTED BY:

INSPECTED BY:

**Fred J. Giggenbach, Jr., Assistant
Prosecuting Attorney in and for
Kanawha County, West Virginia
301 Virginia Street
Charleston, WV 25301**

**Frederick Holroyd,
Attorney at Law
209 W. Washington Street
Charleston, WV 25302
Counsel for Defendant
WV State Bar ID No. _____**

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PA. A. 1105
R. Holroyd
D. Skiles
C. Gatson
WV State Bar ID No. 8141