

15-0302

IN THE CIRCUIT COURT OF MARSHALL COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,]

Plaintiff,]

Vs. FELONY CASE NO. 2014-F-83
Chief Judge David W. Hummel, Jr.

WILLIAM BEEGLE,]

Defendant.]

SENTENCING ORDER

The 5TH day of March, 2015, came the State of West Virginia by Adam Barney, Assistant Prosecuting Attorney for Marshall County, and as well came John Gainer of The Public Defender Corporation, Attorney for the Defendant, and the Defendant, William Beegle, appeared in person.

WHEREUPON, this matter came on for *the Sentencing phase* of this proceeding.

The Court reviewed the status of this proceeding, wherein it was noted by the Court that on February 6, 2015, the defendant was found **guilty** by a jury to the Felony offense of "Failure to Register or Provide Notice of Changes" as charged in Felony Case Number 14-F-83.

Upon inquiry by the Court this matter came on as to the argument of the *Post-Trial Motions*, wherein the Court heard a brief argument from Mr. Gainer, Counsel for the defendant, as well as Mr. Barney, on behalf of the State.

Whereupon, the Court, after hearing oral arguments from Counsel, **FINDS** that sufficient evidence does exist under the statute, wherein the defendant was convicted of the felony offense.

Therefore, the Court **DENIED** the Post-Trial Motions.

OBJECTIONS AND EXCEPTIONS ARE NOTED AND PRESERVED.

WHEREUPON, the Court noted the filing of the Pre-Sentence Investigation Report authored by Rick Szellgo, Adult Probation Officer of this Court. Further, upon inquiry by the Court, Counsel advised that the Pre-sentence Investigation Report was received, said information was reviewed by Counsel.

Upon inquiry by the Court, Mr. Barney advised the Court that a correction is necessary, as to the defendant's address, as to the Pre-Sentence Investigation Report.

Upon additional inquiry by the Court, Mr. Gainer concurred with the State and noted that no additional corrections are necessary, as to the Pre-Sentence Investigation Report.

Whereupon, said Modification was Granted by the Court.

THEREFORE, the Court filed the Pre-Sentence Investigation Report, said Report was made a part of the record herein.

Upon inquiry by the Court, the defendant, William Beegle, while represented by Counsel, provided an oral statement to the Court.

Upon further inquiry, Mr. Gainer, as Counsel for the defendant, provided a brief oral argument before the Court, as to the sentencing of

the defendant, in conclusion, Counsel moved for the Court to consider placing the defendant on Supervised Probation.

Further, upon inquiry by the Court, Mr. Barney moved for the Court to impose the sentence of not less than one (1) year nor more than five (5) years in the custody of the Division of Corrections.

Therefore, the Court re-addressed the defendant, wherein the defendant provided an additional response or statement to the Court.

THEREFORE, the Court after due consideration and after hearing the oral arguments of Counsel, as well as the defendant's oral statements to the Court, and upon reviewing and examination of the Pre-Sentence Investigation Report.

THEREFORE, it is the **JUDGMENT AND ORDER** of this Court, that the defendant, William Beegle, is sentenced to the custody of the Division of Corrections, for a period of **not less than one (1) nor more than five (5) years, with credit for time served**, as to the felony offense of "Failure to Register or Provide Notice of Changes", as contained in the Indictment, in Marshall County Felony Case Number 14-F-83.

Further, it is the **ORDER** herein that the balance of the sentence shall be **SUSPENDED** and the defendant shall be placed on **thirty-six (36) months of Supervised Probation**, under the new terms, guidelines and conditions of Supervised Probation, while under the direction of Probation Officer Rick Szeligo.

OBJECTIONS AND EXCEPTIONS ARE NOTED AND PRESERVED.

It is the further **ORDER** of the Court that the Defendant pay the cost of prosecution in this case, as well as Court Appointed Counsel Fees.

In addition, the defendant is **ORDERED** to satisfy the Supervision Fee, in the amount of \$15.00 per month, while on Supervised Probation.

Further, it is **ORDERED** that, pursuant to *W.Va. Code §§ 62-4-17 and 17B-3-3c*, failure to pay costs, fines, forfeitures, penalties or restitution, when ordered to do so shall result in the suspension of the defendant's license of privilege to operate a motor vehicle in this State and that such suspension could result in the cancellation of, the failure to renew or the failure to issue an automobile insurance policy providing coverage for yourself or your family.

It is further **ORDERED** that the Clerk of this Court transmit an attested copy of this Order to Defendant, William Beegle, by and through his Attorney, John Galner, of The Public Defender Corporation, Marshall County Adult Probation Officer, West Virginia State Police and Jeffrey D. Cramer, Prosecuting Attorney.

ENTER:

Dated this 5th day of March, 2015.



DAVID W. HUMMEL, SR., CHIEF JUDGE

IN THE CIRCUIT COURT OF MARSHALL COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
Plaintiff,

vs.

WILLIAM LEONARD BEEGLE,
Defendant.

Case N. 14-F-033
Judge David W. Hummel, Jr.

ORDER APPOINTING COUNSEL FOLLOWING ELIGIBILITY
DETERMINATION BY PUBLIC DEFENDER

WEST VIRGINIA PUBLIC DEFENDER SERVICES
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An affidavit has been filed with this Court reciting that William L. Beegle is financially unable to employ counsel for representation in the appeal of his conviction. After reviewing the eligibility determination made by the Public Defender Corporation pursuant to W.Va. Code § 29-21-1, et seq., the Court is of the opinion that the requirements of W.Va. Code § 29-21-1, et seq. are satisfied. Accordingly, the Court **ORDERS:**

That West Virginia Public Defender Services, Appellate Advocacy Division, 1 Players Club Drive, Suite 301, Charleston, WV 25311, is appointed to represent William L. Beegle on appeal.

The Clerk of this Court is directed to make a record of such appointment and to transmit an attested copy of this order to the Defendant, West Virginia Public Defender Services, Appellate Division, John E. Gainer, Esq., and the Office of the Marshall County Prosecuting Attorney.

Dated this 15th day of March, 2015.

Judge David W. Hummel, Jr.