

15-0684

IN THE CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

VS:

CASE NO. 15-M-AP-2
PAUL M. BLAKE, JR., JUDGE

SCOTT A. NEAL
DOB: 11-02-1985

CONVICTION AND SENTENCING ORDER

This cause came on to be heard this 16th day of June, 2015, the State of West Virginia appearing by Roger L. Lambert, Assisting Prosecuting Attorney, and the defendant, Scott A. Neal, appearing in person and by counsel, Brandon S. Steele, for the purpose of a bench trial upon the defendant's Notice of Appeal heretofore filed in regard to the defendant's conviction in the Fayette County Magistrate Court for the misdemeanor offense of brandishing a deadly weapon, pursuant to West Virginia Code § 61-7-11.

Whereupon, the Court proceeded to hear the evidence adduced on behalf of the State of West Virginia and the defendant. Thereupon, the Court heard the closing arguments of the State of West Virginia and the defendant. Based thereon, the Court makes the following findings of fact:

1. The facts in this matter are clear.
2. The incident in question took place in Ansted, Fayette County, in the home of Steve Neal, thus the Court has jurisdiction.
3. The testimony of Susan Showalter, Debbie Showalter and Deputy W. R. Callison are hereby adopted as the finding of facts in this matter.
4. In summary these witnesses testified that the defendant in this matter on February 11, 2015.

injected himself into an argument between his brother, Steve Neal, and Susan Showalter, and brandished a steak knife against Ms. Showalter and her mother, Debbie Showalter. The Showalters fled the home whenever the defendant brandished such knife.

5. The Court finds the defendant's testimony regarding the events to not be credible; Defendant was not in danger of death or serious bodily injury at the time of incident.

Based thereon, the Court finds the State has proven beyond a reasonable doubt that the defendant committed the misdemeanor offense of brandishing a deadly weapon on February 11, 2015, and he is adjudged guilty of the same.

It is further the **ORDER** and **JUDGMENT** of the Court that regard to the defendant's conviction for the misdemeanor offense of brandishing a deadly weapon, the defendant shall pay the fine of fifty dollars (\$50.00), which was previously imposed in Magistrate Court. It is further the **ORDER** and **JUDGMENT** of the Court that the defendant shall pay all court costs including those costs associated with the matters in Fayette County Magistrate Court, which was one hundred sixty dollars and twenty-five cents (\$160.25), and the costs of appealing to Circuit Court. The Court directs the Circuit Clerk to provide the defendant with a six (6) month payment schedule with the first payment commencing on July 5, 2015, providing six (6) equal payments on such account on the fifth (5th) day of each month.

It is further the **ORDER** and **JUDGMENT** of this Court that the defendant shall pay all fines and court costs within six (6) months of entry of this order, by making one payment per month. Failure to do so will result in the loss of his privilege to operate a motor vehicle in the State of West Virginia.

Whereupon, the Court explained to the defendant his right to appeal the Court's judgment to the Supreme Court of Appeals of West Virginia.

It is further the **ORDER** and **JUDGMENT** of this Court that the Clerk of this Court shall complete the Court Disposition Reporting Form, DPS Form 29, and shall send the original of such form to the appropriate agency for recordation. The Clerk of this Court is directed to forward attested copies of this Order to Roger L. Lambert, Assistant Prosecuting Attorney, 108 East Maple Avenue, Fayetteville, West Virginia 25840; Brandon S. Steele, counsel for the defendant, P.O. Box 746, Fayetteville, West Virginia 25840; Deputy W. R. Callison, Fayette County Sheriff's Department, P. O. Box 509, Fayetteville, West Virginia 25840; and Scott A. Neal, Box 117 Hopewell Road, Victor, West Virginia 25938.

ENTERED this 25th day of June, 2015.

PAUL M. BLAKE, JR.
JUDGE

PAUL M. BLAKE, JR., JUDGE

A TRUE COPY of an order entered ³
June 25, 2015
Weste: Denise E. Wright
Circuit Clerk Fayette County, WV