

15-0714

CS

IN THE CIRCUIT COURT OF BRAXTON COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,
Plaintiff,

V.

Case No.: 15-F-5

GERALD DOOM,
Defendant.

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SENTENCING HEARING ORDER

On the 22nd day of June, 2015, came the State of West Virginia by and through, Jasmine R. H. Morton, Assistant Prosecuting Attorney of Braxton County, West Virginia, and the Defendant, Gerald Doom, in person, and by counsel, Kevin Hughart, for the purpose of a sentencing hearing in the matter.

WHEREUPON, the Court did inquire of Defendant's counsel whether or not he had an opportunity to inspect and review the pre-sentence report returned by the Probation Department of Braxton County and discuss said report with the Defendant, to which Defendant's counsel replied in the affirmative. The Court then inquired of Defendant's counsel whether or not he or his client had any objections to the factual allegations set forth therein, to which Defendant's counsel advised the Court that there were no factual inaccuracies or modifications to said report.

THEREAFTER, The Defendant, in person and by and through his counsel, addressed the Court as to sentencing in this matter and moved to permit the Defendant to have alternative sentencing, or in the alternative run the sentence in this Court concurrent to any sentence the Defendant may be serving out of Monongalia County, West Virginia. The State of West Virginia recommended the sentence in this matter run concurrent to any sentence the Defendant may currently be serving pursuant to the plea agreement in this matter.

The Court informed the parties it had reviewed the Pre-Sentence Investigation Report prepared by the Braxton County Probation Office, as well as the underlying record in this matter. Although the Defendant accepted responsibility for the offense, the Court was troubled by the Defendant's high risk of recidivism, his lack of candidness with Probation Officer of this Court, his extensive substance abuse history, and the fact that the Defendant continues to shoplift, even after being arrested on these charges. The Court further **FINDS** that the Defendant is a poor candidate for alternative sentencing, and if granted probation or home confinement, the Defendant is highly likely to re-offend. Based on those reports, the Defendant's failure to follow the rules of society, and his high risk to re-offend, the Court **FINDS** that the Defendant is in need of correctional treatment in a correctional setting.

The Court **DENIED** the Defendant's motion for alternative sentencing, stating to sentence the Defendant to anything other than incarceration would depreciate the seriousness of the offense. It is accordingly **ADJUDGED, ORDERED** and **DECREED**, that upon his conviction, by the entry of a plea to the felonious offense of *Shoplifting - 3rd Offense*, as contained in Count One of the Indictment, the Defendant, Gerald Doom, shall be imprisoned in the state penitentiary for not less than one (1) nor more than ten (10) years. Additionally, the defendant shall pay a penalty to the mercantile establishment involved in the amount of fifty dollars (\$50.00), or double the value of the merchandise involved, whichever is higher. The Court further **ORDERED** that this sentence shall run consecutively to any sentence the Defendant is serving out of the Circuit Court of Monongalia County, West Virginia. There shall not be a fine imposed on the Defendant in this matter.

It is further **ORDERED** that the Defendant shall pay the costs of this action as taxed by the Clerk within eighteen (18) months after being released from incarceration.

It is further **ORDERED** that the Defendant shall be given credit for time served awaiting disposition in this matter, being two (2) days at the Central Regional Jail against the maximum term.

It is further **ORDERED** that the Defendant shall be forthwith remanded to the custody of the Commissioner of Corrections to be transferred to the Regional Jail Authority where he shall remain pending transfer to the State Penitentiary. The Court **ORDERS** that any and all costs related to the housing of this Defendant shall be incurred by the Division of Corrections, and shall not be the responsibility of Braxton County, West Virginia.

The Court further stated that if the Defendant is successful with his motion to reconsider in the Circuit Court of Monongalia County, West Virginia, he will still be required to file a motion to reconsider with this Court.

The Court advised the Defendant of his right to file an appeal with the West Virginia Supreme Court of Appeals of this Court's Order by filing notice of intent to appeal within thirty (30) days from the final judgment and by filing a petition for appeal with the West Virginia Supreme Court of Appeals within four (4) months of the entry of the final judgment. The Court further advised the Defendant that should he not be able to afford an attorney for appeal matters, the Court appoints Kevin Hughart, to represent him and if the Defendant cannot afford a transcript for appeal matters, the Court shall order the Court Reporter to produce the same and order the State to incur the costs thereof.

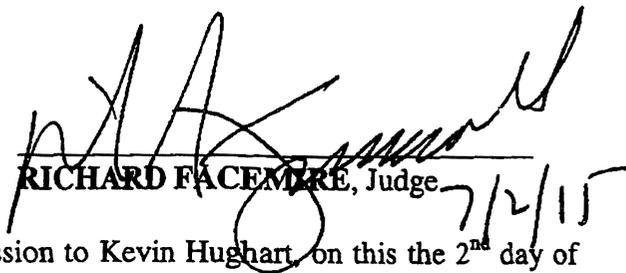
The Defendant stated that, at this point, he would be filing an appeal in this matter.

The Court further advised the Defendant of his right to file a Motion for Reconsideration of his sentence with this Court within one hundred twenty (120) days of this date.

It is further **ORDERED** that the Clerk of this Court shall issue certified copies of this Order to counsel of record, the Braxton County Prosecutor's Office, the Braxton County Probation Department, the Central Regional Jail, the Board of Parole and Probation, the Department of Corrections, and the Commissioner of Corrections.

The parties' objections and exceptions are noted.

Entered this the 22nd day of July, 2015.


RICHARD FACEY, Judge

PREPARED BY, with copy by facsimile transmission to Kevin Hughart, on this the 2nd day of July, 2015:

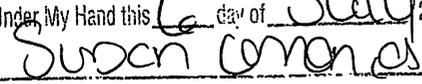

JASMINE R. H. MORTON
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JUL 02 2015

Counsel is hereby notified that any objections to this order must be filed, in writing, with the Court, within five (5) days of receipt of the proposed order. Otherwise, the Court shall consider the order approved as to form for entry by the Court.

STATE OF WEST VIRGINIA
COUNTY OF BRAXTON, to-wit:

I, Susan Lemon, Circuit Clerk, do hereby certify that the foregoing is a true and accurate copy of an Order of record in my office in _____
Order Book No. _____ at page _____, as taken from the records.
Given Under My Hand this 6 day of July 2015


SUSAN LEMON
CIRCUIT CLERK

CS

IN THE CIRCUIT COURT OF BRAXTON COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,
Plaintiff,

V.

Case No.: 15-F-5

GERALD CHARLES DOOM,
Defendant.

COMMITMENT ORDER

On the 22nd day of June, 2015, the Honorable Judge Richard Facemire of the Fourteenth Judicial Circuit of West Virginia held a sentencing hearing regarding the above named Defendant, Gerald Charles Doom. The Court sentenced the Defendant to incarceration and entered an Order Committing the Defendant, Gerald Charles Doom, to the custody of the Commissioner of Corrections, to be placed at the Central Regional Jail pending transfer to the state penitentiary to serve his sentence.

It is **ADJUDGED** that the Defendant has been convicted of the felonious offense of one count of *Shoplifting – 3rd Offense* and was sentenced to not less than one (1) year or more than ten (10) years confinement. Additionally, the defendant shall pay a penalty to the mercantile establishment involved in the amount of fifty dollars (\$50.00), or double the value of the merchandise involved, whichever is higher. Based on the Order entered by the Honorable Judge Richard Facemire of the 14th Judicial Circuit of West Virginia, the Defendant, Gerald Charles Doom, is **ADJUDGED** guilty as charged and convicted of the felonious offense of one count of *Shoplifting – 3rd Offense*.

It is therefore **ORDERED** that upon his conviction, by the entry of a plea to the felonious offense of *Shoplifting – 3rd Offense*, the Defendant, Gerald Charles Doom, shall be imprisoned in the state penitentiary for not less than one (1) year or more than ten (10) years confinement.

It is further **ORDERED** that said sentence shall run consecutively with the Defendant's sentence that was imposed in the Circuit Court of Monongalia County, West Virginia.

It is further **ADJUDGED, ORDERED** and **DECREED** that the Defendant shall receive credit for time served, being two (2) days at the Central Regional Jail against the maximum term.

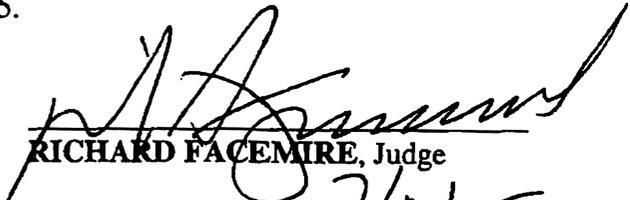
Conviction Date: **March 31, 2015**

Sentence Date: **June 22, 2015**

Effective Sentence Date: **June 20, 2015**

It is further **ORDERED** that the Clerk forthwith transmit this record, duly certified, of the judgment and commitment to the Commissioner of the Division of Corrections, the Central Regional Jail, the Prosecuting Attorney of Braxton County, and Kevin Hughart, Defendant's counsel, and that this record serve as the commitment of the Defendant.

Entered on this the 2nd day of July, 2015.


RICHARD FACEMIRE, Judge
7/2/15

PREPARED BY, with copy by facsimile transmission to Kevin Hughart on this the 2nd day of July, 2015:


JASMINE R. H. MORTON
Braxton County Assistant Prosecuting Attorney
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P.O. Box 118
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304-765-3880
304-765-3883 (facsimile)

STATE OF WEST VIRGINIA
COUNTY OF BRAXTON, to-wit:
I, Susan Lemon, Circuit Clerk, do hereby certify that the foregoing is a true and accurate copy of an Order of record in my office in _____
Order Book No. _____ at page _____ as taken from the records.
Given Under My Hand this 6 day of July, 2015

CIRCUIT CLERK