

IN THE CIRCUIT COURT OF MINERAL COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

VS.

CASE NO. 09-F-58

JERRY LEE HEDRICK

ORDER

On this the 21st day of October, 2009, this matter came on for hearing before this Court on a change of venue from Grant County, the Honorable Phil Jordan, Judge, presiding; and upon the appearances of the State by Dennis V. DiBenedetto, Prosecuting Attorney for Grant County; the Defendant, in person; and by Stephen G. Jory, his counsel. There also appeared Lawrence G. Wade, Probation Officer. This matter came on for sentencing pursuant to prior Order of the Court setting same at this time.

The Court noted the prior filing of the Pre-sentence Investigation Report as prepared by the Probation Department. Counsel acknowledged the prior receipt of same. Counsel for the Defendant advised that he has fully reviewed said Report with the Defendant. None of the parties had any corrections or other modifications to said Report. The Court also noted the filing of a report from Dr. Adamski based upon his evaluation of the Defendant for the purposes of determining the Defendant's eligibility and suitability for probation. Counsel acknowledged receipt of a copy of same.

The State then moved to withdraw the Information previously filed charging the Defendant as being previously convicted of an offense punishable by imprisonment for more than one year under the Recidivist Statutes. The Court heard the comments of counsel with regard thereto. The Defendant does not object to said action. Upon consideration of same and the reasons presented by the State, the Court does grant said Motion.

copies
1) DiBenedetto
S. Jory
L. Wade
3) WV Doc
WV Pen
G. Parish
P.H.R.D.

Since this matter is set for sentencing at this time, the Court then proceeded to hear the comments and arguments of counsel with regard thereto. The Court also gave the Defendant the opportunity to address the Court on the issue of sentencing and disposition. The Defendant is requesting that any sentences be suspended and the Defendant granted probation. The State does oppose probation and is requesting that the Defendant be committed to the Penitentiary and that the sentences run consecutive to each other.

The Court advised that it has fully reviewed all materials furnished to and by the Probation Officer, including all letters of support for the Defendant and all comments in opposition of the Defendant. The Court fully reviewed the Report prepared by Dr. Adamski. All of said comments and conclusions are fully set forth in the record.

Based upon the Defendant's convictions on two Counts of sexual abuse in the first degree, the Court would now sentence the Defendant to the West Virginia Penitentiary and the custody of the Commissioner of Corrections for a term of not less than one year nor more than five years on each Count. The Court would direct that said sentences shall run consecutive to each other. In addition thereto, the Court does impose a fine of \$10,000.00 on each Count. Therefore, the Defendant shall serve a minimum of two years and a maximum of ten years and fined a total of \$20,000.00. The Court does not find the Defendant to be a suitable candidate for probation. As a result, the above sentences will be executed at this time, which said sentences shall be as follows:

| | |
|-----------------------------|------------------|
| Conviction date: | May 28, 2009 |
| Sentence date: | October 21, 2009 |
| Effective date of sentence: | October 21, 2009 |

In addition thereto, the Defendant shall be under supervised release pursuant to the provisions of §62-12-26 for a period of twenty-five (25) years after he has completed a period of parole supervision or has fully discharged the sentences imposed whichever is applicable. The State is hereby granted a judgment against the Defendant for the fines and all costs as may be taxed by the Clerk in this Case. Upon completion of said taxation, a copy of same shall be forwarded to the Defendant, his counsel, and the Prosecuting Attorney.

The Defendant then moved for a stay of execution of the sentences and his continuance on a post-conviction bond. The State did oppose any such stay. Upon consideration of this entire matter, the Court does deny said Motion for Stay. The Sheriff's Department for Mineral County shall take the Defendant into custody at this time and shall transport him to the Potomac Highlands Regional Jail to await transfer to an appropriate State Correctional facility. The Defendant's bond is now revoked and discharged.

Counsel for Defendant advised that the Defendant does intend to appeal the convictions and will file the necessary Notices as required.

All the proceedings had this day were taken by the Court Reporter but are not to be transcribed unless Ordered by the Court.

ENTERED this the 26 day of October, 2009.

Phil Jordan

 JUDGE

TESTE COPY