

IN THE CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

VS:

TYRONE R. CROUCH, JR.
DOB: 02-24-61

INDICTMENT NO. 09-F-110
PAUL M. BLAKE, JR., JUDGE

DANIEL E. WRIGHT

2009 DEC 31 A 10:41

FAYETTE COUNTY
CIRCUIT CLERK

SENTENCING AND COMMITMENT ORDER

This matter came on to be heard this 29th day of December, 2009, the State of West Virginia appearing by Brian D. Parsons, Assistant Prosecuting Attorney; the defendant, Tyrone R. Crouch, Jr., appearing in person and by his counsel, James A. Adkins; and the Probation Department of this Court appearing by Marilyn J. Ferda, Probation Officer, for the purpose of imposition of sentence and a hearing upon the defendant's application for probation heretofore made, pursuant to his conviction by a jury verdict of guilty on November 18, 2009, to the felony offense of voluntary manslaughter, a lesser included offense of that charged in Indictment No. 09-F-110.

Whereupon, the Court reviewed the report prepared by the Probation Department and addressed the issue of additions or corrections to said report.

The Court, thereupon, offered all parties, including the defendant, an opportunity to speak in open court prior to pronouncement of sentence. The defendant and his counsel addressed the Court on the defendant's behalf.

The Court in acting upon the defendant's application for probation reviewed the presentence investigation report and makes the following findings:

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1. The defendant is forty-eight (48) years old.
2. The defendant has obtained his GED.
3. The defendant is a disability recipient.
4. The defendant took Lloyd England's life with a crow bar.
5. The defendant was consuming drugs and alcohol with the deceased.
6. The Court does not believe the defendant's self-defense claim.
7. The defendant did not call the police to resolve the conflict with Mr. England.
8. The defendant has a history of drinking and violence and his criminal history consists of the following:
 - a. 10-30-1985, Possession of Marijuana; DUI
 - b. 10-24-1991, DUI; Driving Revoked
 - c. 04-24-1995, Delivery of a Controlled Substance
 - d. 03-28-1998, Public Intoxication
 - e. 01-17-2001, Petit Larceny
 - f. 03-23-2004, Battery
 - g. 04-08-2004, Contempt of Court; Public Intoxication; Battery on Police Officer
9. To place the defendant on probation would unduly depreciate the seriousness of this offense.

Based thereon, it is the **ORDER** and **JUDGMENT** of the Court that the defendant's application for probation should be and the same is hereby **DENIED**.

Therefore, it is further the **ORDER** and **JUDGMENT** of this Court that in regard to the defendant's conviction for the felony offense of voluntary manslaughter, a lesser included offense of

that charged in Indictment No. 09-F-110, the defendant is hereby sentenced to the West Virginia State Penitentiary for a determinate period of ten (10) years. The effective date of this sentence shall be April 19, 2009, the defendant being credited with two hundred fifty-five (255) days time served with the West Virginia Regional Jail Authority while awaiting disposition of this matter.

It is further the **ORDER** and **JUDGMENT** of this Court that the defendant shall be assessed all court costs associated with this matter. It is further the **ORDER** and **JUDGMENT** of this Court that said fine and court costs associated with these proceedings shall be paid within twenty-four (24) months of the defendant's release from custody. The Court advised the defendant that failure to pay the fine and court costs assessed may result in the loss of his West Virginia driver's license and gave him written notice of the same.

Whereupon, the Court explained to the defendant his right to appeal the Court's judgment to the Supreme Court of Appeals of West Virginia and gave him written notice of the same.

The defendant is hereby returned to the custody of Sheriff of Fayette County for further execution of this sentence.

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 is further directed to forthwith send an attested copy of this Order via facsimile machine to Diann E. Skiles, Records Manager, West Virginia Division of Corrections, (304) 558-8430 and to the Southern Regional Jail, (304) 256-6739 and shall forward certified copies of this Sentencing and Commitment Order to the West Virginia Division of Corrections, 112 California Avenue, Building 4, Room 300, Charleston, West Virginia 25305-0280; Brian D. Parsons, Assistant Prosecuting Attorney, 108 East Maple Avenue, Fayetteville, West Virginia 25840; James A. Adkins, counsel for the defendant, 102 Fayette Avenue,

Fayetteville, West Virginia 25840; the Marilyn J. Ferda, Probation Officer, 100 Court Street, Fayetteville, West Virginia 25840; Corporal C. A. Young, Oak Hill Police Department, P. O. Box 1245, Oak Hill, West Virginia 25901; and Tyrone R. Crouch, Jr., Southern Regional Jail, 1200 Airport Road, Beaver, West Virginia 25813.

ENTERED this 30th day of December, 2009.



PAUL M. BLAKE, JR., JUDGE

All copies to:
WDOC (fax) CAY
BDP TRC
JAA 12-31-09
MJF PS
CJ
SRJ (fax)

IN THE CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

v.

Case No. 09-F-110

TYRONE R. CROUCH, JR,

Defendant.

ORDER

On October 8, 2010, the defendant filed a *Motion to Resentence* to allow him the opportunity to file a Petition for Appeal. After due consideration of the defendant's Motion, the Court finds there is good cause to grant this Motion.

It is therefore, ORDERED that defendant's motion is granted and the defendant, Tyrone R. Crouch, Jr., is hereby resented according to the terms of this Court's Sentencing Order of December 29, 2009, which is incorporated by reference

It is also ORDERED that the Clerk of Court deliver or mail copies of this order to the below attorneys of record.

Entered this 10th day of January, 2011.



Paul M. Blake, Jr., Judge

Prepared by:



Robert C. Catlett
W.Va. Bar No. 8522
P.O. Box 2827
Charleston, WV 25330
(304) 558-2323

Approved by:



Brian D. Parsons
W.Va. Bar No. 8105
108 East Maple Ave.
Fayetteville, WV

Attested Copies to:

RCC / _____
BDP / _____
_____/ _____
_____/ _____

Date: 1-10-11

Initials: DEW

A TRUE COPY of an order entered

Jan 10, 2011
Tested Daniel E. Wright
Circuit Clerk Fayette County, WV

ENTERED January 10, 2011
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FAYETTE COUNTY
CIRCUIT CLERK

DANIEL E. WRIGHT

2011 JAN 10 A 10:11