

11-0043

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA
DIVISION II

STATE OF WEST VIRGINIA

VS.

CRIMINAL ACTION NO. 10-F-35

JUDGE WILKES

Kendra Sulick

SENTENCING ORDER

This matter came on for hearing this 29th day of November, 2010, upon the papers and pleading had herein, upon the appearance of the defendant, in person, and by counsel Christopher Prezioso, Esquire, and upon the appearance of the State of West Virginia by Pamela Jean Games-Nely, Prosecuting Attorney for Berkeley County, West Virginia.

Whereupon, this matter comes on for sentencing. The Court asked if there was any legal cause why sentencing could not occur. The parties advised that there was not. The Court further inquired if both parties had received the presentence investigation report and if there were any factual inaccuracies. The parties advised that they had received the report.

Accordingly, the Court proceeded to sentencing. The Court heard the statement of the Betty Anne Oberi and Brian Smith, the statement of the victim and the argument of counsel.

It is ORDERED that the defendant, Kendra Sulick, as having been previously convicted of a violation of civil rights under Count one, a felony, is hereby sentenced to the penitentiary house of this state for a determinate term of two years to be dealt with according to law, that the State shall recover of and from the Defendant its costs on her behalf expended.

It is ORDERED that the defendant, Kendra Sulick, as having been

BERKELEY COUNTY
CRIMINAL DIVISION

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STATE OF WEST VIRGINIA

previously convicted of a violation of civil rights under Count six, a felony, is hereby sentenced to the penitentiary house of this state for a determinate term of two years to be dealt with according to law, that the State shall recover of and from the Defendant its costs on her behalf expended.

It is ORDERED that the defendant, Kendra Sulick, as having been previously convicted of a violation of civil rights under Count eight, a felony, is hereby sentenced to the penitentiary house of this state for a determinate term of two years to be dealt with according to law, that the State shall recover of and from the Defendant its costs on her behalf expended.

It is ORDERED that the sentences shall be served consecutively.

It is ORDERED that the defendant shall have credit for all time previously served.

EFFECTIVE SENTENCE DATE: March 11, 2010

It is ORDERED that the sentence shall be suspended for a period of five years of probation upon terms and conditions which shall include anger management counseling, drug and alcohol counseling, and 200 hours of community service.

It is further ORDERED that the defendant shall be enjoined from being within 100 yards of the victim or the victims family.

It is further ORDERED that the Defendant shall pay restitution through the Clerk of this Court in the amount of \$100.00 to the victims, Brian Smith and Betty Anne Oberi, of 23 Wisconsin lane, Falling Waters, West Virginia within six months.

It is ORDERED that the defendant shall pay Court costs within six months of this date.

It is further ORDERED that Christopher Prezioso is appointed for purposes of appeal and the defendant was advised of her appeal rights.

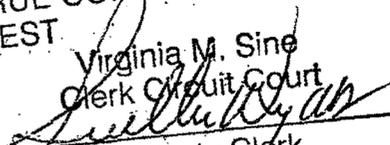
THE CLERK shall enter the foregoing as of the day and date first above

written and shall transmit attested copies to all counsel of record, to the Eastern Regional Jail and to the Probation Office


CHRISTOPHER C. WILKES, JUDGE
TWENTY-THIRD JUDICIAL CIRCUIT
BERKELEY COUNTY, WEST VIRGINIA

PREPARED BY:
Pamela Jean Games-Neely
Prosecuting Attorney
Bar no. 1332
380 West South Street, Suite 1100
Martinsburg, West Virginia 25401

A TRUE COPY
ATTEST

Virginia M. Sine
Clerk Circuit Court
By: 
Deputy Clerk

Probationer Name Kendra Sulick Exhibit Number _____

Case Number 10-F-35

TERMS AND CONDITIONS OF PROBATION

1. The probationer shall not violate any law of this state, any other state, any municipality or of the United States.
2. The probationer shall reside in Berkeley County, in the state of NY, and shall not leave the state of NY as your residence without the consent of the Probation Officer.
3. The probationer shall not change addresses or residences without the consent of the Probation Officer, and shall keep the Probation Officer informed of his/her status at all times.
4. The probationer shall comply with the terms and conditions of his/her probation as prescribed by the Court, and shall cooperate fully with the Probation Officer at all times.
5. The probationer shall truthfully answer all inquiries of the Probation Officer or any law enforcement officer.
6. The probationer shall regularly report, either in writing or in person, as directed by the Probation Officer.
7. In the event that the probationer is arrested or questioned by a law enforcement officer, he/she shall report the circumstances thereof to the Probation Officer within twenty-four hours.
8. The probationer shall not associate with any known felon, probationer, parolee, or any person engaged in criminal activity, or any other person designated by the Probation Officer.
9. With the exception of grocery and convenience stores, the probationer shall not enter into any place where beer or intoxicating beverages are sold or dispensed, commonly known as a bar or nightclub, nor shall the probationer use, consume, or have in his/her possession any beverage containing alcohol.

10. The probationer shall not use, consume, purchase, possess, or distribute any narcotics, marijuana, or other controlled substance, unless prescribed for him or her by a physician, nor shall the probationer use, purchase, or possess any drug paraphernalia.
11. The probationer shall not be present at any place where controlled substances are illegally sold, distributed, kept, or used, and shall not visit or frequent areas forbidden by the Probation Officer.
12. The probationer shall submit himself or herself to random drug and/or alcohol testing at the probationer's expense, which shall be paid within thirty days of the date of the test.
13. The probationer shall attend, at his/her own expense, a mental health treatment program and/or substance abuse treatment program if directed by the Probation Officer.
14. The probationer shall attend Narcotics Anonymous or Alcoholics Anonymous if directed by the Probation Officer.
15. The probationer is to notify the Probation Officer within seventy-two hours if he/she is prescribed a controlled substance.
16. During the term of his/her probation, the probationer shall not own, possess, carry, or use any firearm or lethal weapon, including but not limited to a knife, club, mace, pepper spray, bow or black powder weapon.
17. Any probationer convicted of a felony offense or a domestic battery offense shall read and sign the firearm prohibition form, and shall not own, possess, carry, or use any firearm during his/her life unless such prohibition is terminated by a court of law.
18. The probationer shall, at all times, be employed or actively seeking employment, or be enrolled in school, unless otherwise directed by the Probation Officer.
19. The probationer shall assume all moral and legal obligations, including payment of child support.
20. The probationer shall not quit or change employment without first obtaining the consent of the Probation Officer, and shall notify the Probation Officer within twenty-four hours of any termination of his/her employment, and shall keep the Probation Officer informed of his/her employment status at all times.

21. In the event that the probationer is not employed or enrolled in school, he/she must attempt to secure employment by contacting a minimum of 5 prospective employers per month and shall provide the Probation Officer with information regarding same.
22. The probationer shall not open, either jointly or separately, a checking account or obtain any line of credit such as an installment loan or credit card, without the consent of the Probation Officer.
23. The probationer shall not own or operate a motor vehicle without the consent of the Probation Officer.
24. The probationer shall be inside his/her place of residence at such time as instructed by the Probation Officer.
25. The probationer shall submit to random home or employment visits.
26. The probationer shall complete a GED, or undertake such additional programs of education or training as directed by the Probation Officer.
27. The probationer shall not quit such education or training without the consent of the Probation Officer, and upon gaining such consent, shall seek employment as directed by the Probation Officer.
28. If enrolled in school, the probationer shall attend and remain in school at all times when school is in session and shall not be absent therefrom except for times specifically authorized by the Probation Officer.
29. The probationer shall not marry or enter into any common-law living arrangement without first consulting and obtaining the consent of the Probation Officer.
30. Upon conviction for any sexual offense, as set forth in WV code 62-8F-12, the probationer shall, at his/her own expense, attend and participate in an ongoing treatment program, register with the West Virginia State Police, and undergo HIV testing. The probationer shall not live in the same residence as any minor child, and shall have no contact with the victim of his/her crime.
31. The probationer shall agree and consent to the search upon reasonable cause of his home, person, outbuildings, property (including computers), or motor vehicles at any time and at any place by the Probation Officer, and shall agree and consent to the seizure of any property found or discovered during such searches which (a) is stolen, embezzled, or obtained by false pretenses, or (b) is or was designed or intended for use or which has been used as a means of committing a criminal

offense or a violation of probation, and does waive all of his/her constitution rights to be free from such searches and seizures without a valid search warrant, upon probable cause.

32. The probationer shall perform 200 hours of community service work as directed by the Probation Officer.

33. The probationer shall be confined in the Eastern Regional Jail for a period of _____ days/weekends, and shall begin such confinement on _____ at _____ m.

34. The probationer shall have no contact with the victim of his/her crime.

35. The probationer shall attend, at his/her own expense a batterer's intervention, anger management or parenting program as directed by the Probation Officer.

36. The probationer shall pay restitution in the amount of 100

within the term of his/her probation as directed by the Probation Officer.

_____ in monthly installments of _____ as directed by the Probation Officer.

_____ within _____ as directed by the Probation Officer.

37. The probationer shall pay court costs

_____ within the term of his/her probation as directed by the Probation Officer.

_____ in monthly installments of _____ as directed by the Probation Officer.

within 6 months as directed by the Probation Officer.

38. The probationer shall pay a fine in the amount of _____

_____ within the term of his/her probation as directed by the Probation Officer.

_____ in monthly installments of _____ as directed by the Probation Officer.

_____ within _____ as directed by the Probation Officer.

- ✓ 39. The probationer shall pay the following supervision fees:
- A. Probation fee in the amount of \$ 1.00 per month.
(Per WV Code 62-12-9(a)(5) not to exceed \$20.00 per month)
 - B. Community Corrections fee in the amount of 7 | 00 per month.
(Per WV Code 62-11C-4(b) and 62-12-9(a)(6) not to exceed \$30.00 per month)

✓ 40. The probationer shall notify any third parties of risks that may be occasioned by your criminal record or personal characteristics as directed by the Probation Officer.

✓ 41. The probationer shall conform his/her conduct to such additional requirements as the Probation Officer may from time to time temporarily impose as the circumstances warrant.

✓ 42. The probationer shall sign the Waiver of Extradition form.

43. The probationer shall not use the internet if directed by the Probation Officer and shall provide his/her email and internet service provider name to the Probation Officer.

✓ 44. Additional terms and conditions remain 100 yards from victims
or attend Anger Management at Day Report Center

In the event a Probationer is arrested by a Probation Officer for violations of these terms and conditions without a warrant or jail commitment form, a copy of these terms and conditions shall serve as the jail commitment form as if it were a capias.

I acknowledge by my signature below that I understand the terms and conditions of my probation as outlined above, and I agree to comply with these terms and conditions. I understand that should I violate any of these terms and conditions, I will be subject to immediate arrest, with or without a warrant, by my supervising Probation Officer.

Laura Hill
PROBATION OFFICER

J. Seibert
PROBATIONER

12/1/2010
DATE

Dec 01-10
DATE