

11-0399

IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

Plaintiff,

VS:

CASE NO.: 09-F-206

TIMOTHY MICHAEL WALDRON,

Defendant.

ENTERED
Clerk O.B. No. 256
PAGE 088

AUG 17 2010

CAROLE JONES
CLERK CIRCUIT COURT

ORDER

On this 9th day of August, 2010; came the State of West Virginia by Russell J. Skogstad, Jr., Assistant Prosecuting Attorney in and for Wood County, Brenda F. Dougherty, Adult Probation Officer, and the Defendant, in custody accompanied by his attorney, Courtney L. Ahlborn.

Whereupon, the Court, before imposing sentence, determined that the Defendant and his counsel have had the opportunity to read and discuss the pre-sentence investigation report and the supplemental report / addendum dated June 28, 2010, submitted by the Probation Officer.

No objections were made pursuant to the Rules of Criminal Procedure.

Whereupon, the Court heard arguments of counsel upon Defendant's Motion for Judgment of Acquittal. The Court having maturely considered the various grounds set forth in said Motion and the arguments of counsel thereupon, it is ORDERED that said motion be and is hereby denied.

The Court further afforded the Defendant an opportunity to present evidence, afforded defense counsel the opportunity to speak on behalf of the Defendant and asked the Defendant personally if he wished to make a statement

on his own behalf and to present any information in mitigation of punishment. The attorney for the State was also given an equivalent opportunity to present evidence or speak to the Court.

The Court FINDS, ADJUDGES and ORDERS that the Defendant is guilty by a finding of guilty by the Jury to the offense of Delivery of a Controlled Substance, a felony, as contained in Indictment No.: 09-F-206. Pursuant to said finding of guilt, it is ORDERED that the Defendant be committed to the custody of the West Virginia Division of Corrections for a term and period of not less than one (1) year nor more than five (5) years, said sentence to begin as of August 9, 2010, with a credit of 75 days and in all things dealt with as the law directs.

This sentence is to be served consecutive to the sentence the Defendant is currently serving.

The Court having before him the report of the Probation Officer of this Court and having maturely considered said report and Defendant's motion for probation heretofore made, is of the opinion that the character and the circumstances of the case indicate that the Defendant is likely to again commit crime and that the public good does require that the Defendant be imprisoned. It is, therefore, ORDERED that said motion for probation be denied for these and other reasons appearing more fully upon the record.

Whereupon, the Court considered the Defendant's Motion for Other Alternative Sentences and for reasons that appear more fully upon the record, it is ORDERED that said Motion be Denied.

It is further ORDERED that the Defendant pay to the Clerk of this Court the following costs:

Clerk's Fee - \$105.00

Prosecuting Attorney Fee - \$35.00

Law Enforcement Training Fund - \$2.00
Community Corrections Fee - \$10.00
Community Corrections Fund - \$25.00
Crime Victim Compensation Fund - \$50.00
Magistrate Court Fee - \$10.00
Court Reporter's Fee - \$30.00
Jury Fee - \$2,047.50
Total - \$2,314.50

It further appearing to the Court that although the victim in this case was mailed a Victim's Impact Statement, the Court received no information from the victim and therefore the Court has no basis for making a determination as to restitution, it is, therefore, ORDERED that the Defendant shall not be required to make restitution in this case.

Said costs are to be paid within three (3) years of the Defendant's release from prison.

The following shall be the priority of payment:

1. Restitution, if any is ordered to be paid.
2. Court costs, if any are ordered to be paid.
3. Fines, if any are ordered to be paid.
4. Reimbursement to the State of West Virginia for court appointed counsel fees, if any are ordered to be paid.

You shall submit a sample of your blood for DNA analysis pursuant to *West Virginia Code § 15-2B-1*, such testing being mandated by State law for the offense which you have been convicted, said sample to be obtained by the West Virginia Division of Corrections.

The Defendant acknowledged in open court that he has received a copy of the document that advises him of the right to appeal, the right to file a Motion for Reconsideration and/or Reduction of Sentence and the right to court appointed counsel. A signed copy of this document is hereby ORDERED filed.

Whereupon, the Defendant is remanded to the custody of the Sheriff of Wood County who shall transfer custody to the Regional Jail Authority to await transportation to the West Virginia Division of Corrections.

ENTER: 8-16-2010



JEFFREY B. REED, JUDGE

CLERK'S CERTIFICATE

STATE OF WEST VIRGINIA

COUNTY OF WOOD, TO-WIT:

I, Carole Jones, Clerk of the Circuit Court of Wood County, West Virginia, hereby certify that the foregoing Petition, with copies thereof, was duly filed in my office on the 7th day of February, 2011, and a Pauper's Affidavit was filed by the defendant in lieu of a deposit to cover the costs of preparing the record, in case an appeal is allowed.

Given under my hand and seal of said Court this 28th day of February, 2011, and in the 148th year of the State.

Carole Jones

Clerk of the Circuit Court of Wood County,
West Virginia

BY: *M. Meeder*

Deputy Clerk