

11-1306

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IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

PUBLIC DEFENDER

SERVICES

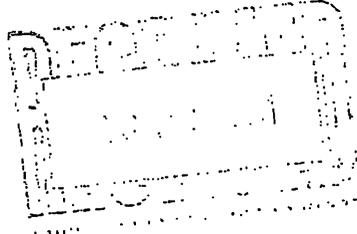
STATE OF WEST VIRGINIA,

Plaintiff,

vs.

JOHN MOFFIT,

Defendant.



CASE NO. 11-F-18 JPM

**SENTENCING ORDER**

On the 11<sup>TH</sup> day of August, 2011, came the State of West Virginia by Shawn R. Turak, II, Assistant Ohio County Prosecuting Attorney, and as well came the Defendant, John Moffit, in person, and by his counsel, Angelica Kokiko, Assistant Public Defender, for a Sentencing Hearing in the above styled matter.

**THEREUPON**, the Court noted that the matter was scheduled for sentencing, as the Defendant had been convicted of the felony offenses of "Uttering a Counterfeit Bill" and "Possession of Counterfeit Bills with the Intent to Utter" following a jury trial on June 28, 2011.

**THEREUPON**, the Court advised the Defendant of his right of allocution, and the Defendant did exercise his right and did address the Court.

**THEREUPON**, counsel for the Defendant's attorney argued sentencing.

**WHEREUPON**, the counsel for the State argued sentencing.

**THEREUPON**, after consideration of the statements of counsel, the statement of the Defendant, the complete record in this matter, and the prior criminal history of the Defendant, the Court

**ORDERED** that the Defendant, John Moffit, is hereby sentenced to serve not less than two

(2) nor more than ten (10) years in the West Virginia penitentiary for his conviction of "Uttering a Counterfeit Bill" as charged in Count One of the Indictment. It is further

**ORDERED** that the Defendant is sentenced to serve twelve months (12) in the West Virginia Northern Regional Jail for his conviction of the misdemeanor offense of "Possession of Counterfeit Bills with Intent to Utter" as charged in Count Two of the Indictment. It is further

**ORDERED** that the sentences run CONCURRENT for a net sentence of not less than two (2) nor more than ten(10) years in the penitentiary. It is further

**ORDERED** that a fine of \$500.00 be imposed but the Defendant relative to his misdemeanor conviction and that all usual and customary court costs be assessed. It is further

**ORDERED** that the Defendant be given credit for all time served including the seven (7) days he was incarcerated for testing at South Central Jail facility. It is further

**NOTED** if the Defendant have no write ups while incarcerated and takes advantage of all rehabilitative programs available while in custody, the Court would consider a Rule 35 motion if timely filed by the Defendant.

**THEREUPON**, the Court advised the Defendant of his appeal rights to which the Defendant affirmed that he understood. There being nothing further it is

**ORDERED** that the Clerk of the Circuit Court of Ohio County is to provide an attested copy of this Order to respective counsel, and to the Northern Regional Jail.

**ENTER** this 19<sup>th</sup> day of August, 2011.

*James P. Mazzone*

**JAMES P. MAZZONE, JUDGE**

*A copy, Duster*

*[Signature]*  
**Clerk of Court**

PREPARED BY:

A handwritten signature in black ink, appearing to read "Shawn R. Turak", written over a horizontal line.

Shawn R. Turak

Assistant Prosecuting Attorney

## CERTIFICATE OF SERVICE

I, Richard H. Lorensen, appellate counsel of record for *John J. Moffit*, hereby certify that on this 16th day of September, 2011, true and accurate copies of the foregoing **Notice of Appeal** was deposited in the U.S. Mail contained in a postage-paid envelope addressed to all parties to this appeal as follows:

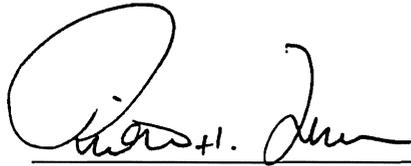
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