

13-0311

Prezioso

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

STATE OF WEST VIRGINIA

Plaintiff,

v.

REBECCA F

Defendant.

CASE NO. 11-F-46
JUDGE WILKES

2013 FEB 14 PM 3:45
VIRGINIA M. SHEPHERD
CLERK OF COURT

ORDER SENTENCING DEFENDANT AND SETTING DATES ON REMAINING
COUNTS

This matter came before the Court this 14th day of January, 2013, upon the papers and pleadings had herein, upon the appearance of the defendant, in person, and by counsel, Christopher Prezioso and upon the appearance of the State of West Virginia by Pamela Jean Games-Neely, Prosecuting Attorney for Berkeley County, West Virginia.

Whereupon, this matter comes on for sentencing following the defendant's return from Lakin Correctional Center-Diagnostic Center and to schedule trial dates for the remaining counts.

The Court advised that based on staff interviews there appears to be no acceptance of responsibility for these crimes. She states that she was charged with getting credit cards in her daughter's name which is not really the facts of this case. The defendant appears to exhibit a pattern of deceit and untruthfulness in her examination at Lakin and in her criminal history.

The Court then inquired if there was any legal cause why sentencing should not be pronounced. Hearing none, the Court proceeded to sentencing.

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C. Sigler
BKPR
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The Court heard the statement of the defendant, defense counsel's arguments and submissions and the statement of the victim and the State. Now being fully informed, the Court does proceed to sentencing.

It is the ORDER of this Court that the defendant, Rebecca F _____, upon her plea of guilty under Alford circumstances to identity theft, a felony, under Count 12 of the indictment, is hereby sentenced to the penitentiary house of this State for a determinate period of five years there to be dealt with according to law.

It is the ORDER of this Court that the defendant, Rebecca F _____, upon her plea of guilty under Alford circumstances to identity theft, a felony, under Count 13 of the indictment, is hereby sentenced to the penitentiary house of this State for a determinate period of five years there to be dealt with according to law.

It is the ORDER of this Court that the defendant, Rebecca F _____, upon her plea of guilty under Alford circumstances to identity theft, a felony, under Count 14 of the indictment, is hereby sentenced to the penitentiary house of this State for a determinate period of five years there to be dealt with according to law.

It is the ORDER of this Court that the defendant, Rebecca F _____, upon her plea of guilty under Alford circumstances to identity theft, a felony, under Count 15 of the indictment, is hereby sentenced to the penitentiary house of this State for a determinate period of five years there to be dealt with according to law.

It is the ORDER of this Court that the defendant, Rebecca F _____, upon her plea of guilty under Alford circumstances to identity theft, a felony, under Count 16 of the indictment, is hereby sentenced to the penitentiary house of this State for a determinate period of five years there to be dealt with according to law.

It is the ORDER of this Court that the defendant, Rebecca F _____, upon her plea of guilty under Alford circumstances to identity theft, a felony, under Count 17 of the indictment, is hereby sentenced to the penitentiary house of this State for a determinate period of five years there to be dealt with according to law.

It is the ORDER of this Court that the defendant, Rebecca F _____, upon her plea of guilty under Alford circumstances to identity theft, a felony, under Count 18 of the indictment, is hereby sentenced to the penitentiary house of this State for a determinate period of five years there to be dealt with according to law.

It is the ORDER of this Court that the defendant, Rebecca F _____, upon her plea of guilty under Alford circumstances to identity theft, a felony, under Count 19 of the indictment, is hereby sentenced to the penitentiary house of this State for a determinate period of five years there to be dealt with according to law.

It is FURTHER ORDERED that the defendant, Rebecca F _____, shall have the sentences ordered in Counts 12, 13, 14, and 15 run concurrent with each other, and the sentences ordered on Counts 16, 17, 18, and 19 run concurrent with each other. However, the sentences on Counts 12, 13, 14, and 15 shall run consecutive to the sentences on Counts 16, 17, 18, and 19.

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

It is ORDERED that the defendant shall serve actual incarceration for counts 12 and 13 which is five years on each count running concurrent.

It is ORDERED that the sentences for Counts 14 and 15 are SUSPENDED for a five year term of probation, and the sentences for Courts 16, 17, 18, and 19 are SUSPENDED for a five year term of probation, which shall be consecutive to the term of probation for counts 14 and 15.

It is FURTHER ORDERED that the defendant shall pay restorative restitution through the Clerk of this Court to the victim herein,

, West Virginia in the amount of \$10,000.00 because of efforts involved by the victim trying to restore her credit.

It is FURTHER ORDERED that the defendant shall pay restitution through the Clerk of this Court to the following victims as follows:

Count 12–Applied Bank, Attn: Diane Johnson, Legal Department, 601 Delaware Avenue, Wilmington, DE 19801 in the amount of \$1,370.32.

Count 13–Barclaycard UC, Attn: Brian Lamborn, 700 Prides Crossing 2-020, Newark, DE 19713 in the amount of \$1,114.98.

Counts 14 and 17- Zenith Acquisition Corporation 170 North pointe Parkway, Suite 300, Amherst, NY 14228 in the amount of \$1,232.00.

Counts 15 and 16-Chase Card Services, Post Office Box 15298, Wilmington, DE 19850 in the amount of \$3,753.00.

Count 18-HSBC Card Services, Post Office Box 88000, Baltimore, MD 21288 in the amount of \$630.44

Count 19-SST/Columbus Bank and Trust, 4315 Picket Road, St. Joseph, MO 64503 in the amount of \$2,842.00.

The Court will not order fines in order that the defendant pay restitution and restorative restitution during here period of probation.

It is ORDERED that the defendant shall pay the Court Costs of this action within one year. It is ORDERED that restitution may be taken from inmate accounts according to law.

CONVICTION DATE: April 2, 2012

SENTENCING DATE: January 14, 2013

EFFECTIVE SENTENCING DATE: July 8, 2012

The defendant is remanded to the Eastern Regional Jail pending transportation by the West Virginia Division of Corrections to an appropriate Department of Corrections facility.

Whereupon, the parties advised the Court that they needed trial dates for Counts 1 through and including Count 11. Accordingly, it is ORDERED that the remaining counts of the indictment shall be scheduled for pre-trial on the 28th of May, 2013 at 3:00 pm and for trial on the 29th day of May, 2013 at 9:00 am.

The Court notes the exception and objection of the parties to all adverse rulings.

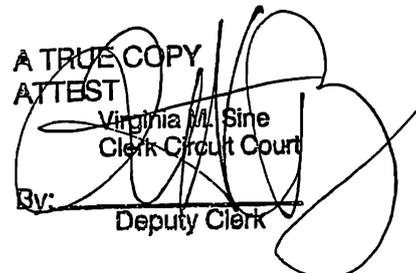
The Clerk shall enter this order as of this date and shall forward copies to all counsel of record, the probation officer, the Eastern Regional Jail, the West Virginia Department of Corrections, West Virginia Probation and Parole and to



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

Order Prepared by:
Pamela Jean Games-Neely,
Prosecuting Attorney

With modifications by the Judge's office

A TRUE COPY
ATTEST
Virginia M. Sine
Clerk Circuit Court
By: 
Deputy Clerk