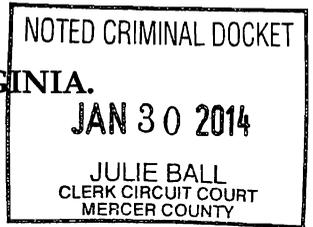


14-0174

IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA.



STATE OF WEST VIRGINIA,

VS.

INDICTMENT NO. 13-F-330-OA

JAMES EARL NOEL, JR.

JAN 30 2014

ORDER

This matter came on this day for a status hearing. There appearing in Court are the State of West Virginia, by Kelli Harshbarger, Prosecuting Attorney; Angela Bartle of the Adult Probation Department; the defendant, in person and counsel for the defendant, David Smith.

Thereupon, the Court having received the report of the pre-sentence investigation from the Probation Department of this County and Court, and after considering said report and the statements of counsel and the defendant, the Court finds that the defendant is not a fit and proper person for probation because: (1) there is a substantial risk that the defendant will commit another crime during any period of probation or conditional discharge; (2) probation or conditional discharge would unduly depreciate the seriousness of the defendant's crime; (3) the public good would not be served by placing the defendant on probation, and (4) the public good would be served by the Court imposing a sentence of incarceration.

Whereupon, the Court inquired of the defendant if anything for himself he had or knew to say why the Court here should not now proceed to pronounce judgement against him, and nothing being offered or alleged in delay of judgement, it is the **ORDER** and

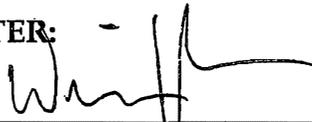
DECREE of this Court that the said James Earl Noel, Jr. be and is hereby adjudged guilty of the offenses of "Possession With Intent to Deliver a Schedule II Controlled Substance, To-Wit: Cocaine" as contained in Count 1 of the indictment; guilty as to the offense of "Possession With Intent to Deliver a Schedule II Controlled Substance, To-Wit: Methamphetamine" as contained in Count 2 of the Indictment; and guilty as to the offense of "Fleeing in a Vehicle in a Manner Showing a Reckless Indifference to the Safety of Others" as contained in Count 3 of the Indictment as a jury of his peers has found. Therefore, it is the **ORDER** and **DECREE** of this Court that the defendant be taken from the bar of this Court to the Southern Regional Jail and therein confined until such time as the warden of the penitentiary can conveniently send a guard for him and that he be taken from the Southern Regional Jail to the penitentiary of this State and therein confined for the indeterminate term of not less than one (1) nor more than fifteen (15) years as provided by law for the offense of "Possession With Intent to Deliver a Schedule II Controlled Substance, To-Wit: Cocaine" as the State in Count 1 of its Indictment herein hath alleged and by a jury of his peers has found; that he be confined for the indeterminate term of not less than one (1) nor more than fifteen (15) years as provided by law for the offense of "Possession With Intent to Deliver a Schedule II Controlled Substance, To-Wit: Methamphetamine" as the State in Count 2 of its Indictment herein hath alleged and by a jury of his peers has found; and that he be further confined for the indeterminate term of not less than one (1) nor more than fifteen (15) years as provided by law for the offense of "Fleeing in a Vehicle in a Manner Showing a Reckless Indifference to the Safety of Others" as contained in Count 3 of its Indictment herein hath alleged and by a jury of his peers has

found; ; that these sentences run consecutively with one another; that defendant be given credit for 22 days for which he has served in jail; that he be dealt with in accordance with the rules and regulations of that institution and the laws of the State of West Virginia; and that he pay all court costs within one (1) year following his release from incarceration or be subject to the suspension his driver's license.

And the defendant is remanded to the Southern Regional Jail pending his placement in the penitentiary.

The Clerk shall forward a copy of this Order to counsel for the defendant, the probation department, and the Southern Regional Jail.

Dated the 16th day of January 2014.

ENTER: 
for OMAR J. ABOULHOSN, JUDGE