

J. KRATOVIL

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14-0968

FEB 20 2014

JEFFERSON COUNTY
CLERK

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

v.

Criminal Action No. 13-F-63
The Honorable David H. Sanders

RICHARD JOSEPH WAKEFIELD, IV,
Defendant.

ORDER OF CONVICTION BY JURY

On the 11th day of February, 2014, came the State of West Virginia, by Assistant Prosecuting Attorneys, Brandon C. H. Sims and Hassan S. Rasheed, and came the defendant in person and by counsel, James T. Kratovil, for the purpose of a jury trial. After a multi-day trial, on Tuesday, February 18, 2014, the jury entered deliberations and on that same day it reached its unanimous verdict in the matter of State of West Virginia v. Richard Joseph Wakefield, IV, that the defendant was Guilty of all four Counts charged in the Indictment, Counts One and Two of which charged Sexual Assault in the Second Degree, and Counts Three and Four of which charged Sexual Assault in the Third Degree. Following pronouncement of its verdict, the jury was polled, and all twelve jurors concurred in the verdict.

WHEREFORE, this Court does hereby ORDER that the defendant, RICHARD JOSEPH WAKEFIELD, IV, does STAND CONVICTED of TWO COUNTS OF SEXUAL ASSAULT IN THE SECOND DEGREE and TWO COUNTS OF SEXUAL ASSAULT IN THE THIRD DEGREE.

Thereafter, the Court advised the defendant of his appellate rights and the need to file any post-trial motions within 10 days of the entry of this order.

Following an oral motion by the State to take the Defendant into custody, the Court did DENY post-conviction bail, and did thereupon take the defendant into custody prior to sentencing.

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The Court then ORDERED that the parties appear for SENTENCING of the defendant on **Monday, April 14, 2014 at 3:30 p.m.** in the Jefferson County Courthouse. The Court also noted that any post-trial motions would be addressed at that time.

The Court hereby notes the objection of the defendant to all adverse rulings herein.

The Court further ORDERS that the Probation Department of the Twenty-Third Judicial Circuit prepare a full pre-sentence investigation report prior to the sentencing hearing.

The Court does further ORDER that the Clerk shall transmit an attested copy of this Order, once entered, to all counsel of record, and to the Probation Department of the Twenty-Third Judicial Circuit.

ENTERED: 2/19/14



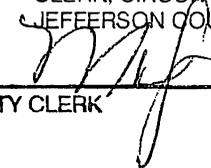
THE HONORABLE DAVID H. SANDERS
JUDGE OF THE TWENTY-THIRD JUDICIAL CIRCUIT



BRANDON C. H. SIMS
ASSISTANT PROSECUTING ATTORNEY
West Virginia State Bar Number 7224
Jefferson County Prosecutor's Office
Post Office Box 729
Charles Town, West Virginia 25414
304-728-3243 Telephone
304-728-3293 Facsimile

A TRUE COPY
ATTEST:

LAURA E. STORM
CLERK, CIRCUIT COURT
JEFFERSON COUNTY, W.VA.

BY 
DEPUTY CLERK

4 cc:
B. SIMS
H. RASKED
J. KEATON
PROB
2/20/14
MD

J. KRATOVIL

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

v.

Criminal Action No. 13-F-63
The Honorable David H. Sanders

RICHARD JOSEPH WAKEFIELD, IV,
Defendant.

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JEFFERSON COUNTY
CIRCUIT CLERK

SENTENCING ORDER

On the 14th day of July, 2014, came the State of West Virginia, by Assistant Prosecuting Attorney, Brandon C. H. Sims, and came the defendant in person and by counsel, James T. Kratovil, for the purpose of sentencing.

The Court noted that the defendant was previously, by a verdict rendered on February 18, 2014, convicted by a jury at trial in 13-F-63 of two counts of Sexual Assault in the Second Degree and two counts of Sexual Assault in the Third Degree.

Whereupon the Court did hear post-trial motions, and the defendant did argue his previously-filed written motions. Counsel for the State responded with argument to the Court, which did DENY the defendant's post-trial motions, and did cite upon the record the reasons therefore.

Thereupon the parties did not state any good cause to preclude the imposition of sentence, did acknowledged the receipt of a pre-sentence report and did not make any substantive changes to that report.

Counsel for the defendant and state then presented argument to the Court on the propriety of sentence to be imposed, including the report prepared by Dr. Paul Kradel. Two witnesses were called by the Defendant: Craig Wakefield, brother of the defendant, and the defendant himself. Thereupon counsel for the State read into the record a letter from the victim. The Defendant did not elect to exercise his right of allocution beyond his testimony.

WHEREUPON, the Court did note that there was no cause to preclude the imposition of sentence, and that the Court had considered the statements offered, the argument of the State, the statements of witnesses and the argument of defense counsel, and the Court being fully informed of the circumstances surrounding the charges,

ACCORDINGLY:

IT IS THE SENTENCE OF THE LAW
AND THE JUDGMENT OF THIS COURT

Upon conviction for Sexual Assault in the Second Degree a felony, as charged in Count 1 of the Indictment; that the Defendant be **confined in the penitentiary house of this State for not less than ten (10) nor more than twenty-five (25) years** there to be dealt with according to law;

Upon conviction for Sexual Assault in the Second Degree a felony, as charged in Count 2 of the Indictment; that the Defendant be **confined in the penitentiary house of this State for not less than ten (10) nor more than twenty-five (25) years** there to be dealt with according to law;

Upon conviction for Sexual Assault in the Third Degree a felony, as charged in Count 3 of the Indictment; that the Defendant be **confined in the penitentiary house of this State for not less than one (1) nor more than five (5) years** there to be dealt with according to law; and

Upon conviction for Sexual Assault in the Third Degree a felony, as charged in Count 3 of the Indictment; that the Defendant be **confined in the penitentiary house of this State for not less than one (1) nor more than five (5) years** there to be dealt with according to law.

The Court did further ORDER that these sentences shall be CONSECUTIVE in part and CONCURRENT in part. The sentences for Counts 1 and 2 shall be served CONCURRENTLY to one another. The sentences for Counts 3 and 4 shall be served CONSECUTIVELY to one another, but CONCURRENTLY WITH the sentences in Counts 1 and 2, for an **EFFECTIVE SENTENCE OF NOT LESS THAN TEN (10) NOR MORE THAN TWENTY-FIVE (25) YEARS.**

The Court further noted that the defendant's **effective date of sentence is February 18, 2014.**

The State shall recover of the Defendant its costs in this behalf expended, which shall be paid within one hundred eighty (180) days from the entry of this order.

The Court further ordered the defendant to pay fines and costs within 180 days of the entry of this order.

The Court hereby notes the objection and exception of the Defendant to adverse rulings herein.

Thereafter, the Court advised the Defendant of his appellate rights. The Court did thereupon appoint James T. Kratovil as appellate counsel for the defendant.

The Court does further ORDER that the Clerk shall transmit an attested copy of this Order, once entered, to all counsel of record, to the Probation Department of the Twenty-Third Judicial Circuit, the Eastern Regional Jail and to the Division of Corrections, 1409 Greenbrier Street, Charleston, WV 25311.

ENTERED: _____

7/16/14



THE HONORABLE DAVID H. SANDERS
JUDGE OF THE TWENTY-THIRD JUDICIAL CIRCUIT



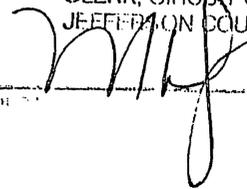
BRANDON C. H. SIMS
ASSISTANT PROSECUTING ATTORNEY
West Virginia State Bar Number 7224
Jefferson County Prosecutor's Office
Post Office Box 729
Charles Town, West Virginia 25414
304-728-3243 Telephone
304-728-3293 Facsimile

A TRUE COPY
ATTEST:

LAURA E. STORM
CLERK, CIRCUIT COURT
JEFFERSON COUNTY, W.VA.

BY _____

DEPUTY



lcc:
B. SIMS
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J. KRATOUIL

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

v.

Criminal Action No. 13-F-63
The Honorable David H. Sanders

RICHARD JOSEPH WAKEFIELD, IV,
Defendant.

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JEFFERSON COUNTY
CIRCUIT CLERK

ORDER IMPOSING SUPERVISED RELEASE

On the 4th day of August, 2014, came the State of West Virginia, by Assistant Prosecuting Attorney, Brandon C. H. Sims, and came the defendant in person and by counsel, James T. Kratovil, for the purpose of hearing on supervised release.

Counsel for the State advised the Court that at the sentencing hearing held on July 14, 2014, that by oversight the parties and the Court neglected to address the period of supervised release which must be imposed pursuant to West Virginia Code § 62-12-26.

Thereupon counsel for the defendant concurred that the statute mandates the imposition of supervised release, and requested that the Court impose the minimum period of two years. Counsel for the State requested that the court impose a ten year period of supervised release.

Pursuant to West Virginia Code § 62-12-26, the court thereupon imposed a period of TWO YEARS OF SUPERVISED RELEASE following the Defendant's release from incarceration.

The Court hereby notes the objection and exception of the Defendant to adverse rulings herein.

The Court does further ORDER that the Clerk shall transmit an attested copy of this Order, once entered, to all counsel of record, to the Probation Department of the Twenty-Third Judicial Circuit, the Eastern Regional Jail and to the Division of Corrections, 1409 Greenbrier Street, Charleston, WV 25311.

ENTERED: _____

8/6/14



THE HONORABLE DAVID H. SANDERS
JUDGE OF THE TWENTY-THIRD JUDICIAL CIRCUIT

Prepared by:


BRANDON C. H. SIMS, Assistant Prosecutor
ASSISTANT PROSECUTING ATTORNEY
West Virginia State Bar Number 7224

A TRUE COPY
ATTEST:

LAURA E STORM
CLERK, CIRCUIT COURT
JEFFERSON COUNTY, W.VA.

BY _____
DEPUTY CLERK

bcc:
B. SIMS
J. KRATOUIL
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PAROLE
8/6/14
MD

J. KEATON

IN THE CIRCUIT COURT OF Jefferson COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

CASE NO. 13-F-63

VS.

Richard Joseph Waterfield Defendant

RECEIVED

AUG 05 2014 MD

JEFFERSON COUNTY
CIRCUIT CLERK

ORDER OF NOTIFICATION OF SUPERVISED RELEASE

I, Richard Joseph Waterfield, have been instructed that once my term of probation, incarceration and/or parole is discharged I shall begin serving my term of supervised release for a period of 2 years. I acknowledge that I have been notified of my period of supervised release imposed pursuant to WV Code § 62-12-26.

I understand I must report in person to the Crawford County Probation Department the **next business day** following the expiration of any period of probation or my release from incarceration and/or expiration of any period of parole supervision, whichever date is later. This notification is pursuant to WV Code § 62-12-26.

Further, I have reviewed and understand my terms and conditions of supervised release imposed pursuant to WV Code § 62-12-26 subsection (h). I understand that failure to comply with these terms and conditions could result in a revocation of my supervised release and subsequent incarceration.

The Circuit Clerk shall mail a certified copy of this order of notification to the West Virginia Division of Corrections at 112 California Avenue, Building 4, Room 300, Charleston, West Virginia; West Virginia State Police (Sex Offender Registration Unit) at 725 Jefferson Road, South Charleston, West Virginia 25309; Prosecuting Attorney, Defense Counsel, the defendant and the Probation Department.

R.R. D... [Signature]
Defendant

8/4/14
Date

[Signature]
Counsel for Defendant

Date

[Signature]
Probation Officer

8/4/14
Date

Enter: 8/5/14

[Signature]
Circuit Judge

A TRUE COPY
ATTEST

LAURIE STORM
CLERK CIRCUIT COURT
JEFFERSON COUNTY, W.VA.

BY [Signature]
DEPUTY CLERK

cc:
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J. KRATONIC
DCC
SOR
R. WAGFIELD
Procs
DCC
8/6/14
md

J. KEATON

RECEIVED
AUG 05 2014 MD
JEFFERSON COUNTY
CIRCUIT CLERK

IN THE CIRCUIT COURT OF Jefferson COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

vs.

CASE NO: 13-F-63

Richard J. Wakefield IV
DEFENDANT.

NOTICE AND ACKNOWLEDGEMENT OF SEXUAL OFFENDER REGISTRATION REQUIREMENTS

You have been convicted (or found not guilty by reason of mental illness, mental retardation, or addiction) of a criminal offense that requires you to register with the West Virginia State Police as a sexual offender. You must register within **three business days** of conviction, unless you are incarcerated, in which case you must register within **three business days** of release from incarceration after being placed on post-conviction bond, probation, home detention, work release, conditional release, parole, or any other release from confinement. The person or agency that releases you from confinement shall obtain all required registration information from you prior to your release, again inform you of your duty to register, and send written notice of your release to the West Virginia State Police within three business days of receiving the required information from you. However, providing this information to the person or agency at the time of your release **does not** satisfy your requirement to personally appear and register with the State Police as outlined in this notice.

Registration Location

You are required to register in person at the West Virginia State Police detachment for the county of your residence. If you are incarcerated and upon your release you intend to reside out of state, you shall notify correctional officials prior to your release of your intent to reside outside of West Virginia and the address where you intend to reside.

Registry Information

When registering you must provide, or cooperate in providing, at a minimum, the following:

1. Your full name, including any aliases, nicknames, or other names used by you, and your date of birth, sex, race, height, weight, hair and eye color;
2. The physical address where you intend to reside or where you reside at the time of registration, and if different, your mailing address;
3. The physical address of any real property owned or leased by you that you regularly visit;
4. The name and address of your employer or place of occupation at the time of registration;
5. The names and addresses of any anticipated future employers or places of occupation;
6. The name and address of any school or training facility that you are attending at the time of registration;
7. The names and addresses of any schools or training facilities that you expect to attend;
8. Your social security number;

9. A full-face photograph of you, taken by the State Police at the time of registration;
10. A brief description of the crime or crimes for which you are convicted, as well as the county of conviction, conviction date, date released from incarceration or placed on probation, and the name and telephone number of your parole or probation officer;
11. Your fingerprints and palm prints, obtained by the State Police at the time of registration;
12. Information related to any motor vehicle, travel trailer, fold-down camping trailer, house trailer, or motor home owned or regularly used by you, including vehicle make, model, color, and license plate number;
13. Information relating to any Internet accounts that you have and the screen names, user names, or aliases that you may use on the Internet;
14. Information related to any telephone or electronic paging device that you have or use, including, but not limited to residential, work, and mobile telephone numbers.

Change In Registry Information

If you intend to change your *residence address*, either within your current county of residence or from one county to another county in this state, you **shall** notify the West Virginia State Police by physically appearing at the detachment where you last registered. This notification must be made at least **10 business days PRIOR** to any such anticipated change of residence address. Additionally, if you change your *residence, place of employment or occupation, or school or training facility which you are attending* from one county of this state to another county of this state, you **shall** physically appear at the West Virginia State Police

detachment for the county of your residence within **10 business days** after making the change to provide any necessary information.

If you intend to move *out of the state*, at least **10 business days PRIOR** to such move, you **shall** notify the West Virginia State Police by physically appearing at the detachment where you last registered and inform the state police of your intent to move and the address to which you intend to move.

If you change any of the *other required registration information*, you **shall** notify the West Virginia State Police by physically appearing at the detachment for the county of your residence and provide the necessary information within **10 business days** after making the change.

During your registration period, if you are incarcerated following an arrest or conviction for **any** offense you **shall** re-register by physically appearing at the West Virginia State Police detachment where you last registered within **3 business days** of your release from incarceration. This requirement to re-register after any incarceration applies even if there have been no changes in your information since your last registration.

Duration of Registration

[10-year requirement] Your registration must continue until 10 years have elapsed since you were released from prison, jail, or a mental health facility, or 10 years have elapsed since you were placed on probation, home confinement, parole, or supervised or conditional release. The 10-year registration period shall not be reduced by your release from probation, parole, or supervised or conditional release.

[Life requirement] Your registration must continue for the remainder of your life once you are released from prison, jail, or a mental health facility, or once you are placed on probation, home confinement, parole, or supervised or conditional release.

Registration Violations

[10-year registrants] If you knowingly provide materially false information or refuse to provide accurate information when registering, or if you knowingly fail to register or knowingly fail to provide a change in any required information, you can be charged with a misdemeanor for the first offense and, upon conviction, will be subject to incarceration in jail for up to one year, or a fine of not less than \$250.00 or more than \$10,000.00, or both. Each failure to register a change in your required information constitutes a separate offense.

If you are convicted of a second offense of failing to register or failing to provide a change in any required information, you can be charged with a felony offense and, upon conviction, will be subject to incarceration in a state correctional facility for not less than one or more than five years.

If you are convicted of a third or subsequent offense of failing to register or failing to provide a change in any required information, you can be charged with a felony offense and, upon conviction, will be subject to incarceration in a state correctional facility for not less than five or more than twenty-five years.

[Life registrants – other than Sexually Violent Predators] If you knowingly provide materially false information or refuse to provide accurate information when registering, or if you knowingly fail to register or knowingly fail to provide a change in any required information, you can be charged with a felony for the first offense and, upon conviction, will be subject to incarceration at a state correctional facility for not less than one year or more than five years.

If you are convicted of a second or subsequent offense of failing to register or failing to provide a change in any required information, you can be charged with a felony offense and, upon conviction, will be subject to incarceration in a state correctional facility for not less than ten or more than twenty-five years.

[Life registrants – Sexually Violent Predators] If you are required to register as a sexually violent predator, and you knowingly provide materially false information or refuse to provide accurate information or knowingly fail to register or fail to provide required information, you can be charged with a felony for the first offense and, upon conviction, be subject to incarceration in a state correctional facility for not less than two or more than ten years. For a second or subsequent offense, you can be charged with a felony offense and, upon conviction, be subject to incarceration in a state correctional facility for not less than fifteen or more than thirty-five years.

[Applicable to all registrants] In addition, to the criminal penalties specified above for failure to register, if you are under the supervision of a probation or parole officer, or any other sanction short of incarceration in jail or prison, and you knowingly refuse to register or knowingly fail to provide a change in any required information, you will be subject to immediate revocation of probation or parole and returned to confinement for the remainder of any suspended or unserved portion of the original sentence. If you are serving a term a supervised release, and you knowingly refuse to register or knowingly fail to provide a change in any required information, you will be subject to immediate revocation of your term of supervised release and required to serve in prison all or a portion of your term of supervised release, without credit for time previously served on supervised release.

General Advisement

You may not file a petition to legally change your name during the period during which you are required to be registered.

If your conviction is overturned or vacated on appeal or habeas review, you may petition this Court for removal of your name from the sexual offender registry.

If you intend to move out-of-state, after you notify the West Virginia State Police at least 10 business days prior to such move, the State police will notify law-enforcement officials of the jurisdiction where you intend to reside and provide the information on your West Virginia registration. You will need to follow-up, as required by the law of the jurisdiction where you are moving, regarding any further action needed to comply with registration requirements in the new jurisdiction.

[All registrants – except Sexually Violent Predators] After the initial registration process at a State Police detachment is completed, you shall cooperate fully with State Police who personally visit your residence to verify that the address you gave is correct. Thereafter, even if there has been no change in your registration information, you must report each year, in the month of your birth, to the State Police detachment of your county of registration and respond to any verification inquiries or requests made by the State Police. The State Police may require you to periodically provide new fingerprints, palm prints, and photographs as part of the verification process.

During your registration period, if you are incarcerated following an arrest or conviction for any offense you shall re-register by physically appearing at the West Virginia State Police detachment where you last registered within 3 business days of your release from incarceration.

This requirement to re-register after any incarceration applies even if there have been no changes in your information since your last registration.

[Sexually Violent Predators] After the initial registration process at a State Police detachment is completed, you shall cooperate fully with State Police who personally visit your residence to verify that the address you gave is correct. Thereafter, even if there has been no change in your registration information, you must report, in the months of January, April, July and October of each year, to the State Police detachment of your county of registration and respond to any verification inquiries or requests made by the State Police. The State Police may require you to periodically provide new fingerprints, palm prints, and photographs as part of the verification process.

During your registration period, if you are incarcerated following an arrest or conviction for **any** offense you **shall** re-register by physically appearing at the West Virginia State Police detachment where you last registered within **3 business days** of your release from incarceration. This requirement to re-register after any incarceration applies even if there have been no changes in your information since your last registration.

The Court will provide a copy of this Notice to the Sexual Offender Registry.

Read, explained and provided in writing to the Defendant by the undersigned Judge this 4th day of August, 2014.

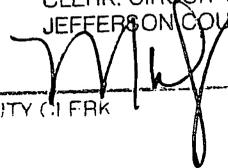
The Clerk of the Court is **ORDERED** to send a copy of this Notice to all counsel of record, the Probation Office, and to:

Sexual Offender Registry
Criminal Records
West Virginia State Police
725 Jefferson Road
South Charleston, West Virginia 25309

A TRUE COPY
ATTEST

LAURA E. STORM
CLERK, CIRCUIT COURT
JEFFERSON COUNTY, W. VA.

BY _____
DEPUTY CLERK



_____, Circuit Judge

The foregoing sexual offender registration requirements have been explained to me this date, in open Court, by the above-named Judge. I fully understand the above requirements and I acknowledge receipt of an executed copy of this Notice. I acknowledge that my attorney has also explained the above registration requirements to me.



[name]
Defendant

WITNESS:

[name]
Counsel for Defendant

Date:

5cc:
Peos
J. KRATOCHVIL
Peos
ARAB
SOR
8/6/14
MD