

15-0537

IN THE CIRCUIT COURT OF MINGO COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

2015 MAY -4 P 3:12

Plaintiff,

v.

Indictment No.:S14-F74

Circuit Judge Miki Thompson

GARY ADKINS,

Defendant.

COMMITMENT ORDER

On the 2nd day of April, 2015, came the attorney for the State, D. Keith Randolph, and the Defendant, Gary Adkins, appearing in person and by counsel, Jerry M. Lyall, this matter having been docketed and set for sentencing.

It is hereby **ADJUDGED** that the Defendant has been convicted, by a plea of guilty to Two Counts, Sexual Abuse First Degree, a violation of West Virginia Code §61-8B-7 and Two Counts, Sexual Abuse by a Person in a Position of Trust, a violation of West Virginia Code § 61-8D-5. The Court, having asked the Defendant whether he has anything to say regarding why judgment should not be pronounced this day, and for no sufficient cause to the contrary presented:

It is hereby **ADJUDGED**, with respect to Count I, Sexual Abuse First Degree that the Defendant is guilty as charged and convicted. It is hereby **ORDERED** that the Defendant shall be committed to the custody of the Warden of the West Virginia Penitentiary, or his authorized representative, for imprisonment for an indeterminate period of not less than five (5) year nor more than twenty-five (25) years. It is further **ORDERED** that the Defendant be confined to said penitentiary for said term.

It is hereby **ADJUDGED**, with respect to Count II, Sexual Abuse First Degree that the Defendant is guilty as charged and convicted. It is hereby **ORDERED** that the

Defendant shall be committed to the custody of the Warden of the West Virginia Penitentiary, or his authorized representative, for imprisonment for an indeterminate period of not less than five (5) year nor more than twenty-five (25) years. It is further **ORDERED** that the Defendant be confined to said penitentiary for said term.

It is hereby **ADJUDGED**, with respect to Count III, Sexual Abuse by a Person in a Position of Trust, that the Defendant is guilty as charged and convicted. It is hereby **ORDERED** that the **Defendant** shall be committed to the custody of the Warden of the West Virginia Penitentiary, or his authorized representative, for imprisonment for an indeterminate period of not less than ten (10) years nor more than twenty (20) years. It is further **ORDERED** that the Defendant be confined to said jail for said term.

It is hereby **ADJUDGED**, with respect to Count IV, Sexual Abuse by a Person in a Position of Trust, that the Defendant is guilty as charged and convicted. It is hereby **ORDERED** that the **Defendant** shall be committed to the custody of the Warden of the West Virginia Penitentiary, or his authorized representative, for imprisonment for an indeterminate period of not less than ten (10) years nor more than twenty (20) years. It is further **ORDERED** that the Defendant be confined to said jail for said term.

It is further **ADJUDGED, ORDERED** that the Defendant is a Sexual Offender.

Defendant's motions for probation and alternative sentencing are hereby **DENIED**.

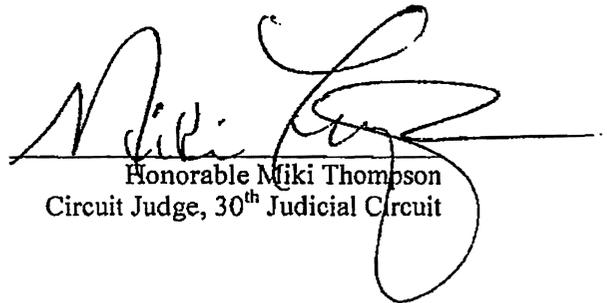
The Court further **ORDERS** that the Defendant be given credit for twenty-three (23) days served Southwestern Regional Jail or any other jail or hospital of any type while undergoing or awaiting evaluation

It is further **ORDERED** that the sentences shall be served consecutive to each other.

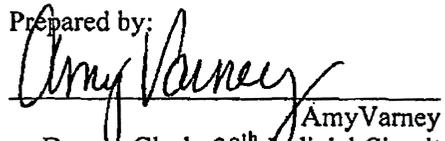
CONVICTION DATE: March 10, 2015
SENTENCE DATE: April 2, 2015
EFFECTIVE SENTENCE DATE: March 10, 2015

CERTIFIED this the 4th day of May 2015.

ENTERED this the 4th day of May 2015.


Honorable Miki Thompson
Circuit Judge, 30th Judicial Circuit


Grant Preece
Circuit Clerk, 30th Judicial Circuit

Prepared by:

Amy Varney
Deputy Clerk, 30th Judicial Circuit

A COPY TESTE

CIRCUIT CLERK, MINGO COUNTY, W.VA

IN THE CIRCUIT COURT OF MINGO COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

v.

CASE NO. S14-F74
(Judge Thompson)

GARY ADKINS,

Defendant.

SENTENCING ORDER

On the 2nd day of April, 2015, came the State of West Virginia by D. Keith Randolph, Special Prosecuting Attorney, and came the Defendant, Gary Adkins, in person and by counsel, Jerry M. Lyall, this day having been set for sentencing herein.

Wherefore, the Court was in receipt of a pre-sentence investigation report submitted by the Probation Officer for this County with regard to the defendant in this case. Said report was reviewed by both counsel for the State and said defendant. Neither party had objection to the nature and content of the report, and the Court Ordered the report filed and made a part of the record in the matter.

Before imposing sentence in the matter, the Court confirmed that the Defendant and defense counsel read and discussed the pre-sentence investigation report. The Court then afforded defense counsel an opportunity to speak on behalf of Defendant. Then, the Court addressed Defendant personally, and the Court determined that Defendant did not desire to make a statement or to provide the Court with any information in mitigation of his sentence. Next, the Court afforded the attorney for the State an opportunity to speak, and the attorney for the State read into the record an impact statement on behalf of the child victim, N. M. Thereafter, the Court permitted various persons to speak on behalf of Defendant prior to setting forth its judgment and sentence in the matter.

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And now proceeding to impose sentence in this case, it is the JUDGMENT and ORDER of this Court:

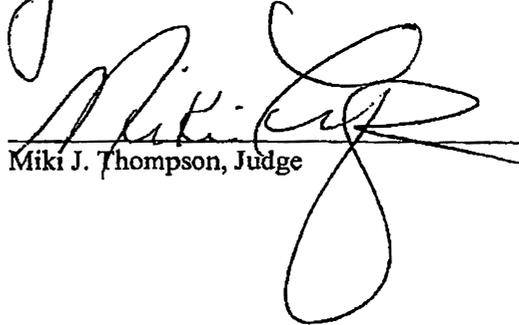
1. That the above-named Defendant be taken from the Bar of this Court to the jail of this County, therein to be kept and confined, subject to all of the rules and regulations of that institution, until such time that said Defendant can be transported and delivered to the penitentiary for this State, therein to be kept and confined as follows for an **indeterminate period of not less than five (5) nor more than twenty-five (25) years** upon the charge of "Sexual Abuse First Degree", a felony offense as charged in Count One, and that Defendant shall be fined \$5,000.00;
2. That the above-named Defendant be taken from the Bar of this Court to the jail of this County, therein to be kept and confined, subject to all of the rules and regulations of that institution, until such time that said Defendant can be transported and delivered to the penitentiary for this State, therein to be kept and confined as follows for an **indeterminate period of not less than five (5) nor more than twenty-five (25) years** upon the charge of "Sexual Abuse First Degree", a felony offense as charged in Count Two, and that Defendant shall be fined \$5,000.00;
3. That the above-named defendant be taken from the Bar of this Court to the jail of this County, therein to be kept and confined, subject to all of the rules and regulations of that institution, until such time that said defendant can be transported and delivered to the penitentiary for this State, therein to be kept and confined as follows for an **indeterminate period of not less than ten (10) nor more than twenty (20) years** upon the charge of "Sexual Abuse by a Person in a Position of Trust", a felony offense as charged in Count Three, and that Defendant shall be fined \$5,000.00;

4. That the above-named defendant be taken from the Bar of this Court to the jail of this County, therein to be kept and confined, subject to all of the rules and regulations of that institution, until such time that said defendant can be transported and delivered to the penitentiary for this State, therein to be kept and confined as follows for an indeterminate period of not less than ten (10) nor more than twenty (20) years upon the charge of "Sexual Abuse by a Person in a Position of Trust", a felony offense as charged in Count Four, and that Defendant shall be fined \$5,000.00;
5. The Defendant is given credit for 23 days' time served.
6. That Defendant's motion for credit for time spent on home incarceration as a condition of bond is hereby DENIED.
7. That all sentences set forth above SHALL be served consecutive to each other.
8. That the Court ADVISED Defendant of his sex offender registration requirements as set out by code, and that Defendant acknowledged his understanding of the same.
9. That pursuant to West Virginia Code § 62-12-26, Defendant SHALL serve a period of fifty (50) years extended supervision upon his release from the sentences set forth above.
10. The Court ORDERS that the Defendant herein pay to the Clerk of this Court the costs of these proceedings, any jail fees, State witness fees, Court-appointed attorney fees, fines, and Court-appointed attorney's witness fees associated with this case as determined by the Clerk.
11. The Court further ORDERS that any bond heretofore posted herein is hereby released.
12. That the Clerk of this Court shall furnish an attested copy of this Order to

Southwestern Regional Jail, to the West Virginia Department of Corrections, to the West Virginia Department of Probation and Parole, to counsel for Defendant, and to the Prosecuting Attorney for this County upon entry thereof.

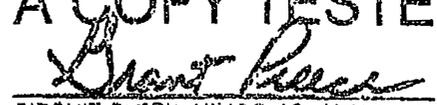
All of which is ORDERED, ADJUDGED AND DECREED.

Entered this, the 15th day of May, 2015.

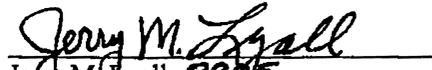

Miki J. Thompson, Judge

Presented by:


D. Keith Randolph (9097)
Special Prosecuting Attorney

A COPY TESTE

CIRCUIT CLERK, MINGO COUNTY, W.VA

Approved By


Jerry M. Lyall 8905
Counsel for Defendant