

IN THE CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

VS:

**INDICTMENT NO. 18-F-102
PAUL M. BLAKE, JR., JUDGE**

**RAYMOND C. HOWELLS, JR.
DOB: 09-26-1976**

2018 OCT 11 AM 11:57
FAYETTE COUNTY
CLERK OF COURT

SENTENCING AND COMMITMENT ORDER

On the 10th day of October 2018, came the State of West Virginia by Elizabeth K. Campbell, Assistant Prosecuting Attorney; the defendant, Raymond C. Howells Jr., appearing in person and by counsel, James W. Keenan, Attorney at Law; the Probation Department of this Court appearing by Marsha Miller, Probation Officer, for the purpose of imposition of sentence and a hearing upon the defendant's application for probation heretofore made, pursuant to his conviction for the felony offense of delivery of methamphetamine, a Schedule II controlled substance, as charged in Count One of Indictment No. 18-F-102; and the felony offense of delivery of methamphetamine, as charged in Count Two of Indictment No. 18-F-102. by way of a jury trial on August 24, 2018.

Whereupon, the Court reviewed the report prepared by the Probation Department and addressed the issue of additions or corrections to said report.

The Court, thereupon, offered all parties, including the defendant, an opportunity to speak in open court prior to pronouncement of sentence. Thereupon, the defendant; Ronald Thomas, witness for the defendant; Counsel for the defendant and Counsel for the State of

West Virginia addressed the Court.

The Court in acting upon the defendant's application for probation reviewed the presentence investigation report and took the following matters into consideration:

1. The defendant is forty-two (42) years of age.
2. The defendant is divorced with two (2) dependants that he does not support and maintain.
4. The defendant has outstanding warrants for child support.
5. The defendant has an eight (8th) grade education.
6. The defendant is unemployed.
7. The defendant's criminal history consists of the following convictions:

11/08/1993 – Battery;

12/07/1994 – Burglary of a dwelling;

12/07/1994 – Grand theft;

12/07/1994 – Burglary of a dwelling;

12/07/1994 – Petit theft;

02/25/1998 – Resisting officer flee or attempt to elude police officer;

08/10/2000 – Unlawful speed on county road;

01/28/2000 – Violation of traffic control device/sign;

01/28/2000 – Safety belt driver failure to wear;

09/19/2000 – Aggravated assault with deadly weapon;

09/19/2000 – Damage to property criminal mischief;

12/12/2002 – Felony battery or domestic battery by strangulation;

04/26/2004 – Violation of traffic control device-sign;

03/01/2005 – Fraud-Insufficient funds check (obtain property with

worthless check)

02/03/2006 – Battery on officer, firefighter, EMT;

05/27/1998 – Driving while license suspended/revoked;

10/05/1999 – Battery/simple battery family violence

8. The defendant currently has unpaid fines and court costs in the amount of Five Thousand Sixty-Six Dollars and thirty one cents (\$5,066.31).
9. The defendant does not have a valid driver's license.
10. To grant alternative sentencing or probation to the defendant would unduly depreciate the seriousness of these offenses.

Based thereon, it is the **ORDER** and **JUDGMENT** of this Court that the defendant's application for probation and/or alternative sentencing be, and the same is, hereby **DENIED**.

Whereupon, the Court, after having given all parties an opportunity to be heard, is of the opinion and therefore, it is the **ORDER** and **JUDGMENT** of the Court that for the defendant's conviction of the felony offense of delivery of methamphetamine, a Schedule II controlled substance, as charged in Count One of Indictment No. 18-F-102, the defendant be sentenced to the West Virginia State Penitentiary for an indeterminate period of not less than one (1) year nor more than five (5) years.

It is the **ORDER** and **JUDGMENT** of the Court that for the defendant's conviction of the felony offense of delivery of methamphetamine, a Schedule II controlled substance, as charged in Count Two of Indictment No. 18-F-102, the defendant be sentenced to the West Virginia State Penitentiary for an indeterminate period of not less than one (1) year nor more than five (5) years. These sentences shall be served consecutively.

The defendant is given fifty six (56) days credit for time served in Southern Regional Jail.

The West Virginia Department of Corrections shall be responsible for any Southern Regional Jail incarceration fees commencing October 10, 2018.

It is further the **ORDER** and **JUDGMENT** of this Court that the defendant shall be assessed all court costs associated with this matter. All court costs are to be paid within twenty-four (24) months of his release.

Whereupon, the Court explained to the defendant his right to appeal the Court's judgment to the Supreme Court of Appeals of West Virginia and gave him written notice of the same.

The defendant is hereby remanded to the custody of the Sheriff of Fayette County for further execution of this sentence.

It is further the **ORDER** and **JUDGMENT** of this Court that the Clerk of this Court shall complete the Court Disposition Reporting Form, DPS Form 29, and shall send the original of such form to the appropriate agency for recordation. The Clerk is further directed to forthwith send an attested copy of this Order via facsimile machine to Margaret Chico-Eddy, Records Manager, West Virginia Division of Corrections, 304.558.8430; and to the Southern Regional Jail, 304.254.2943; and shall forward certified copies of this Sentencing and Commitment Order to the West Virginia Division of Corrections, 1409 Greenbrier Street, Charleston, West Virginia 25311; Elizabeth K. Campbell, Assistant Prosecuting Attorney, 108 East Maple Avenue, Fayetteville, West Virginia 25840; James W. Keenan,

Counsel for defendant, PO Box 614, Fayetteville, West Virginia 25840; Marsha Miller, Probation Officer, 100 Court Street, Fayetteville, West Virginia 25840; Detective-Sergeant S. R. Morris, Central West Virginia Drug Task Force, PO Box 974, Summersville, West Virginia 26651; and Raymond C. Howells, Jr. c/o Southern Regional Jail, 1200 Airport Road, Beaver, West Virginia 25813.

ENTERED October 10, 2018



PAUL M. BLAKE, JR., JUDGE

Att copy to:
MCE - WN DOC (fax) 10-11-18
SRJ (fax) PC
EKC
JWK
MM
SRM
RCH
CJ

A TRUE COPY of an order entered

October 11, 2018

Teste: Christy L. Garrett
Circuit Clerk Fayette County, WV