

IN THE CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

VS:

**INDICTMENT NO. 18-F-28
INFORMATION NO. 18-F-163
PAUL M. BLAKE, JR., JUDGE**

**DAVID L. INGRAM
DOB: 06-26-1978**

SENTENCING AND COMMITMENT ORDER

On the 10th day of December 2018, came the State of West Virginia by Elizabeth K. Campbell, Assistant Prosecuting Attorney, the defendant, David L. Ingram, appearing in person and by counsel, Nancy S. Fraley; and the Probation Department of this Court appearing by James K. Sizemore, 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 by a jury for felony offense of delivery of cocaine, a Schedule II narcotic controlled substance, as charged in Count One of Indictment No. 18-F-28, and the felony offense of delivery of methamphetamine, a Schedule II controlled substance, by way of trial on August 31, 2018; and to the finding that David L. Ingram, pursuant to Information No. 18-F-163 who, in Case No. 97-F-61, was convicted on November 20, 1997 in the Court of Wood County, West Virginia for the felony crime of non-aggravated robbery; and who was, in Case No. 15-IF-466-H, convicted on December 14, 2015, in the Circuit Court of Raleigh County, West Virginia for the felony crime of attempt to commit a felony, to-wit: third offense shoplifting.

Whereupon, the Court reviewed the Pre-Sentence report and the Addendum prepared by the Probation Department and addressed the issue of additions or corrections to said report. No additions or corrections were made to the report. Also reviewed by the Court was a Brief prepared

by the defendant's counsel arguing that a life sentence would be disproportionate.

The Court, thereupon, offered all parties, including the defendant, an opportunity to speak in open court prior to pronouncement of sentence. Thereupon, the defendant and the defendant's counsel 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 (40) years old.
2. The defendant is single.
3. The defendant is unemployed.
4. The defendant has frustrated the criminal justice process at every turn in this case.
5. The defendant has an obvious lack of remorse.
6. The defendant has two hundred fifty-one (251) days credit for time served.
7. The convictions for the defendant in this Indictment are considered violent or potentially violent by this Court.
8. The defendant has taken no responsibility for his actions in this matter.
9. The defendant has blamed the Confidential Informant in this case.
10. The defendant's criminal history consists of the following:
 - a. 01-17-2018; driving suspended/revoked 3rd offense.
 - b. 12-14-2017; driving suspended/revoked; improper motor vehicle insurance; no license; improper registration; failure to obey traffic control device.
 - c. 12-09-2017; driving suspended revoked; improper/false motor vehicle insurance.

- d. 11-27-2017; defective equipment; improper registration; no insurance; expired registration.
- e. 04-24-2017; possession of a controlled substance.
- f. 09-24-2015; 3rd offense shoplifting.
- g. 09-15-2015; driving suspended/revoked (3rd offense).
- h. 01-09-2015; shoplifting.
- i. 11-18-2014; assault.
- j. 11-26-2014; 2nd offense shoplifting.
- k. 10-28-2014; shoplifting.
- l. 10-15-2014; shoplifting.
- m. 09-22-2014; shoplifting.
- n. 07-22-2014; shoplifting.
- o. 09-04-2013; destruction of property.
- p. 08-09-2013; driving suspended/revoked (3rd offense); obstructing an officer; battery on a police officer.
- q. 04-03-2013; speeding; driving suspended/revoked; no proof of insurance; no motor vehicle insurance.
- r. 11-14-2009; malicious wounding, reduced to misdemeanor by plea bargain.
- s. 08-31-2008; driving suspended/revoked; no registration.
- t. 05-10-2008; driving suspended/revoked.
- u. 01-21-2008; speeding.
- v. 07-03-2007; defective equipment; no operators; unsigned registration.

- w. 05-23-2006; expired motor vehicle inspection; no registration; no insurance.
 - x. 12-17-2005; obstructing.
 - y. 10-14-2004; no seatbelt.
 - z. 01-19-1997; armed robbery, reduced to Second Degree Robbery by plea bargain.
11. The defendant owes six thousand seven hundred twenty-four dollars and seventy-seven cents (\$6,725.77) in fines and Court costs.
 12. The defendant's West Virginia driver's license are revoked indefinitely.
 13. The defendant obtained his GED while in prison in Huttonsville in 2001.
 14. The defendant's mother supports him financially.
 15. The defendant is in relatively good health.
 16. The defendant has a substance abuse problem.
 17. When the West Virginia Legislature passed WV Code §61-11-18, they had defendant's like David Ingram in mind.

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 for the felony offense of delivery of cocaine, a Schedule II narcotic controlled substance, as charged in Count One of Indictment No. 18-F-28, the defendant be sentenced to the West Virginia State Penitentiary pursuant to his identification as a person twice convicted of a felony crime the recidivist, the defendant is hereby sentenced to the West Virginia State Penitentiary for life with mercy and 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-28, the defendant

be sentenced to the West Virginia State Penitentiary for not less than one (1) year nor more than five (5) years. Further, the defendant is assessed a one thousand dollar (\$1,000.00) fine and assessed all court costs.

Further, it is the **ORDER** and **JUDGMENT** of the Court that the aforementioned sentences shall be served consecutively.

The Court recommends that the defendant be placed in the West Virginia Division of Corrections Residential Substance Abuse Treatment (RSAT) program.

The effective date of this sentence shall be April 3, 2018, the defendant being credited with two hundred fifty-one (251) days time served while awaiting disposition of this matter.

It is further the **ORDER** and **JUDGMENT** of this Court that the defendant shall be assessed all court costs associated with this matter. All fines and court costs are to be paid within twenty-four (24) months of his release from confinement. The Court advised the defendant that failure to pay any fine and court costs assessed within twenty-four (24) months of his release from confinement may result in the loss of his West Virginia driver's license.

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 Diann E. Skiles, 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, 112 California Avenue, Building 4, Room 300, Charleston, West Virginia 25305-0280; Elizabeth K. Campbell, Assistant Prosecuting Attorney, 108 East Maple Avenue, Fayetteville, West Virginia 25840; Nancy S. Fraley, Chief Public Defender, 102 Fayette Avenue, Fayetteville, West Virginia 25840; James K. Sizemore, Probation Officer, 100 Court Street, Fayetteville, West Virginia 25840; Southern Regional Jail, 1200 Airport Road, Beaver, West Virginia 25813 and the defendant, c/o Southern Regional Jail, 1200 Airport Road, Beaver, West Virginia 25813.

ENTERED this 14th day of December 2018.

PAUL M. BLAKE, JR.
JUDGE

PAUL M. BLAKE, JR., JUDGE

A TRUE COPY of an order entered
December 14, 2018
Teste: Cody L. Garrett
Circuit Clerk Fayette County, WV