

61562

IN THE CIRCUIT COURT OF MINGO COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

Plaintiff,

v.

JAQUAYLLA KESSLER,

Defendant.

Indictment No. A20-F63

ADMITTED
2021 JUN 22 PM 9:44
CLERK OF MINGO COUNTY

SENTENCING ORDER

On the 8th day of June, 2021, appeared the Defendant, Jaquaylla Kessler, in person and by counsel, Robin Cisco, and the State of West Virginia, by Mingo County Prosecuting Attorney, Jonathan "Duke" Jewell, for a sentencing hearing previously scheduled for this date after the Defendant's conviction of guilty on the 29th day of March, 2021, to First Degree Robbery, a violation of West Virginia Code §61-2-12(a), as charged in Count I of Indictment No. A20-F63; Grand Larceny, a violation of West Virginia Code §61-3-13(a), as charged in Count II of Indictment No. A20-F63; Burglary [Nighttime], a violation of West Virginia Code §61-3-11(a), as charged in Count III of Indictment No. A20-F63; Conspiracy [First Degree Robbery], a violation of West Virginia Code §61-10-31 and §61-2-12(a), as charged in Count IV of Indictment No. A20-F63; Conspiracy [Grand Larceny], a violation of West Virginia Code §61-10-31 and §61-3-13(a), as charged in Count V of Indictment No. A20-F63 and Conspiracy [Burglary], a violation of West Virginia Code §61-10-31 and §61-3-11(a), as charged in Count VI of Indictment A20-F63.

After careful consideration of the presentence investigation report, arguments of counsel, Defendant's allocution, victim impact and full record herein, the Court hereby incorporates by reference its findings made on the record and does ADJUDGE, ORDER

and DECREE that the Defendant shall be taken from the bar of this Court to Southwestern Regional Jail to be kept, confined and subject to all rules and regulations thereof and be delivered to the custody of the West Virginia Division of Corrections to be transported to a state correctional facility to be kept and confined as follows:

- First Degree Robbery - West Virginia Code §61-2-12(a) – definite term of forty (40) years;
- Grand Larceny – West Virginia Code §61-3-13(a) – an indefinite term of not less than one (1) year nor more than ten (10) years;
- Burglary [Nighttime] – West Virginia Code §61-3-11(a) – an indefinite term of not less than one (1) year nor more than fifteen (15) years;
- Conspiracy [First Degree Robbery] – West Virginia Code §61-10-31 and §61-2-12(a) – an indefinite term of not less than one (1) year nor more than five (5) years;
- Conspiracy [Grand Larceny] – West Virginia Code §61-10-31 and §61-3-13(a) – an indefinite term of not less than one (1) year nor more than five (5) years;
- Conspiracy [Burglary] – West Virginia Code §61-10-31 and §61-3-11(a) – an indefinite term of not less than one (1) year nor more than five (5) years.

It is further ORDERED that the sentences shall run consecutively.

It is further ORDERED that the Defendant's request for probation and/or alternative sentencing is DENIED.

It is further ORDERED that the Defendant shall receive credit for three hundred fifty-six (356) days served at Southwestern Regional Jail, any other jail facility and any hospital of any type while undergoing or awaiting evaluation.

It is further ORDERED that the Defendant shall be assessed fines, costs and restitution as follows:

FELONY

Prosecuting Attorney Fee [PRO] [§ 59-2-17]	\$35.00
Crime Victim Compensation Fund [CVF] [§ 62-5-10(a&b)]	\$50.00 [per count] \$300.00 TOTAL
Community Corrections Fund [CCF] [§ 62-5-10(a&b)]	\$25.00 [per count] \$150.00 TOTAL
Circuit Clerk [§ 59-1-11]	\$105.00
Community Corrections Conviction Fee [CCC] [§ 62-11C-4(d)]	\$10.00
Law Enforcement Training [LET]	\$2.00
Home Confinement <i>[payable to Mingo County Tax Dept.]</i>	\$-0-
Court Reporter Fees [§ 51-7-6]	\$-0-
Appointed Counsel Fees	\$-0-
Fine	\$-0-
Restitution	\$-0-
DNA Analysis	\$150.00

Total of assessed fines, costs and restitution is \$752.00.

It is further ORDERED that the Defendant shall relinquish all right, claim and interest to the \$7,044.00 in United States Currency seized at the time of Defendant's arrest.

It is further ORDERED that the Defendant's counsel shall be given ten (10) days to file any written objections to this Sentencing Order. If no such objections are timely filed, this Sentencing Order shall continue with full force and effect.


It is further ORDERED that the Clerk shall forthwith prepare the necessary commitment papers to effect the sentence imposed herein and forward a certified copy

of this Sentencing Order to Southwestern Regional Jail and the West Virginia Division of Corrections.

It is further ORDERED that the Clerk shall forward a certified copy of this Sentencing Order to counsel of record and the Mingo County Probation Office.

It is further ORDERED that the Clerk shall forward a certified copy of all orders granting release on probation, refusing such release in felony cases and revoking any previous orders to the West Virginia Board of Probation and Parole within five (5) days after the entry date thereof pursuant to West Virginia Code §62-12-8.

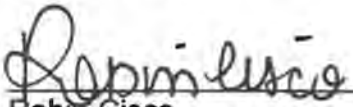
Entered on the 22nd day of June, 2021.


Honorable Miki Thompson
Judge - 30th Judicial Circuit

Prepared by:


Jonathan "Duke" Jewell
WVSB #9613
Mingo County Prosecuting Attorney
78 East Second Avenue, Suite 201
Williamson, WV 25661
(304) 235-0350

Approved by:


Robin Cisco
WVSB #13178
Counsel for Defendant
P. O. Box 1799
Williamson, WV 25661
(304) 235-2221