

In the Circuit Court of Wayne County, West Virginia

State of West Virginia,
Plaintiff,

vs.)

CHARLES LEE FINLEY,
Defendant

Case No. CC-50-2021-F-137

SENTENCE ORDER

On December 20, 2021, this matter came on before the Honorable Jason J. Fry, Judge of the Circuit Court of Wayne County, West Virginia. There appeared the State of West Virginia by Steven M. Bragg, Assistant Wayne County Prosecuting Attorney, and the Defendant, Charles Lee Finley, in person and by counsel, Juston H. Moore.

It is **ADJUDGED** that the Defendant has been convicted of the offenses of an Attempt to Commit the Felony of Receiving or Transferring Stolen Vehicle, a felony, a lesser-included offense of Receiving or Transferring Stolen Vehicle, a felony, as charged and contained in Count One (1) of the Indictment, an Attempt to Commit the Felony of Possession of a Schedule II Controlled Substance (*Methamphetamine*) With Intent to Deliver, a felony, a lesser-included offense of Possession of a Schedule II Controlled Substance (*Methamphetamine*) With Intent to Deliver, a felony, as charged and contained in Count Three (3) of the Indictment, and an Attempt to Commit the Felony of Possession of Pseudoephedrine in an Altered State, a felony, a lesser-included offense of Possession of Pseudoephedrine in an Altered State, a felony, as charged and contained in Count Four (4) of the Indictment, and the Court, having inquired of the Defendant whether he has anything to say why sentence should not be pronounced, and, thereupon, there being no sufficient cause to the contrary being shown or appearing to the Court, it is

ADJUDGED that the Defendant is guilty as charged. The Defendant was advised of the Defendant's right to file an appeal and the Defendant advised the Court that he understood such right. The Defendant made statements to the Court and counsel for Defendant requested the Court to suspend the running of any sentence herein and place the Defendant on probation, which said motion the Court did deny.

Thereupon, the Court proceeded to pronounce sentence and ascertained and fixed the same at confinement in the penitentiary of this State as follows:

1. For a full period and term of not less than one (1) year nor more than three (3) years for Defendant's conviction of the offense of an Attempt to Commit the Felony of Receiving or Transferring Stolen Vehicle, a felony, a lesser-included offense of Receiving or Transferring Stolen Vehicle, a felony, as charged and contained in Count One (1) of the Indictment.
2. For a full period and term of not less than one (1) year nor more than three (3) years for Defendant's conviction of the offense of an Attempt to Commit the Felony of Possession of a Schedule II Controlled Substance (*Methamphetamine*) With Intent to Deliver, a felony, a lesser-included offense of Possession of a Schedule II Controlled Substance (*Methamphetamine*) With Intent to Deliver, a felony, as charged and contained in Count Three (3) of the Indictment.
3. For a full period and term of not less than one (1) year nor more than three (3) years for Defendant's conviction of the offense of an Attempt to Commit the Felony of Possession of Pseudoephedrine in an Altered State, a felony, a lesser-included offense of Possession of Pseudoephedrine in an Altered State, a felony, as charged and contained in Count Four (4) of the Indictment.

It is, therefore, **ORDERED** that the Defendant, Charles Lee Finley, be confined in the penitentiary of this State as follows:

1. For a full period and term of not less than one (1) year nor more than three (3) years for Defendant's conviction of the offense of an Attempt to Commit the Felony of Receiving or Transferring Stolen Vehicle, a felony, a lesser-included offense of Receiving or Transferring Stolen Vehicle, a felony, as charged and contained in Count One (1) of the Indictment.
2. For a full period and term of not less than one (1) year nor more than three (3) years for Defendant's conviction of the offense of an Attempt to Commit the Felony of Possession of a Schedule II Controlled Substance (*Methamphetamine*) With Intent to Deliver, a felony, a lesser-included offense of Possession of a Schedule II Controlled Substance (*Methamphetamine*) With Intent to Deliver, a felony, as charged and contained in Count Three (3) of the Indictment.
3. For a full period and term of not less than one (1) year nor more than three (3) years for Defendant's conviction of the offense of an Attempt to Commit the Felony of Possession of Pseudoephedrine in an Altered State, a felony, a lesser-included offense of Possession of Pseudoephedrine in an Altered State, a felony, as charged and contained in Count Four (4) of the Indictment.

It is further **ORDERED** that the sentences imposed herein shall run concurrently with each other.

It is further **ORDERED** that the Defendant, Charles Lee Finley, shall pay restitution to the victim in the amount of \$650.00.

It is further **ORDERED** that the Defendant shall pay the costs of this action as set forth in the Taxation of Costs filed by the Clerk in this matter. Such costs shall be paid, or shall be subject to a payment plan, to the Circuit Court Clerk of Wayne County, West Virginia, within 180 days of the date of this Order. FAILURE TO PAY THE COSTS INCURRED, OR FAILURE TO ABIDE BY THE PAYMENT PLAN AS

SET FORTH ABOVE, SHALL RESULT IN THE ENTRY OF A JUDGMENT LIEN AGAINST DEFENDANT OR OTHER LAWFUL PROCESS. No further or additional notice shall be provided to the Defendant regarding the payment of costs.

It is further **ORDERED** that the Defendant, Charles Lee Finley, is hereby remanded to the custody of the West Virginia Regional Jail Authority to await transportation to the appropriate Correctional Center for diagnosis, classification and processing according to the rules and regulations of the Commissioner of the West Virginia of Corrections and Rehabilitation, and to thereafter serve the sentences as imposed herein.

It is further **ORDERED** that the bond set/posted in the matter is hereby rescinded and/or released.

It is further **ORDERED** that any and all outstanding arrest warrants issued in this matter are hereby rescinded and set aside, and any and all outstanding and/or unexecuted arrest warrants shall be returned to the Office of the Clerk of the Circuit Court of Wayne County, West Virginia.

It is further **ORDERED** that the Clerk for the Circuit Court of Wayne County shall provide certified copies of this Order and the Commitment Order entered herein to the Prosecuting Attorney for Wayne County, West Virginia, to Juston H. Moore, counsel for the Defendant, to the Sheriff of Wayne County, West Virginia, to the Western Regional Jail, and to the West Virginia Division of Corrections and Rehabilitation by email to DOCCourtOrders@wv.gov.

It is further **ORDERED** that counsel for Defendant shall insure that the Defendant receives a copy of this Order and is thus informed as to payment of costs.

All, accordingly, which is **ORDERED** and **DECREED**.

/s/ Jason J. Fry
Circuit Court Judge
24th Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtswv.gov/e-file/ for more details.