

FILED

October 23, 2014

RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

Justice Ketchum, dissenting:

The defendant entered into a plea agreement. The agreement provided that the defendant agreed to pay the amount of restitution recommended by the Adult Probation Department. The restitution recommendation was contained in the department's presentence report. The judge imposed restitution in the amount set out in the report. The defendant did not object to the presentence report or the restitution imposed by the judge.

A deal is a deal. The State met its burden of proof by relying on the presentence report. The restitution award was proper.

Therefore, I dissent.