

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

vs.

Indictment No. 18-F-17-2  
Honorable Thomas A. Bedell

JOSHUA DEEM,

Defendant.

6-8-18  
PA  
PO  
G. Cosenza

**ORDER FOLLOWING SENTENCING HEARING/  
ORDER PLACING DEFENDANT ON SUPERVISED PROBATION**

On the 24th day of May, 2018, came the State of West Virginia Zachary L. Houchin, Assistant Prosecuting Attorney for Harrison County West Virginia, and came also the defendant, Joshua Deem, in person, and by his counsel, George J. Cosenza, Esquire. Also present for said proceedings were Lieutenant G. B. Weaver of the Bridgeport Police Department, Michael Burnside, Adult Probation Officer and Deputy J. J. Medina of the Harrison County Sheriff's Department assigned to the Harrison County Home Incarceration Office. All parties were present for a sentencing hearing in the above-styled felony case.

Whereupon, the Court reviewed the procedural history of the above captioned matter for the record.

Thereupon, the Court acknowledged receipt of the Presentence Investigation Report, dated April 4, 2018, prepared by Michael Burnside, Adult Probation Officer, Home Incarceration Investigation Report dated May 4, 2018, prepared by Deputy J. J. Medina, letter from the defendant and the Sex Offender Evaluation dated May 8, 2018, performed by William J. Fremouw, Ph.D.

Thereupon, counsel for the State represented unto the Court that he had received and reviewed a copy of the Presentence Investigation Report, Home Incarceration Investigation Report, letter and Sex Offender Evaluation and desired no corrections or modifications to the same.

Thereupon, counsel for the defendant represented unto the Court that he had received a copy of the Presentence Investigation Report, Home Incarceration Investigation Report, and Sex Offender Evaluation and reviewed the same with his client and advised that the defendant had no objections, corrections or modifications to the same.

The Court, thereupon, **ORDERED** that the Presentence Investigation Report, dated April 4, 2018, prepared by Michael Burnside, Adult Probation Officer, and Home Incarceration Investigation Report dated April 4, 2018, prepared by Deputy J. J. Medina.

Thereupon, the Court further advised the defendant that under *West Virginia Code* §61-11-18 when any person is convicted of an offense and is subject to confinement in the state correctional facility and it is determined that such person has been before convicted in the United States of a crime punishable by confinement in a penitentiary, the Court shall, if the sentence to be imposed is for a definite term of years, add five years to the time for which the person is or would be otherwise sentenced. Whenever in such case the sentence to be imposed is an indeterminate sentence, the minimum term shall be twice the term of years otherwise provided for under such sentence. Further, the Court advised that when it is determined, that such person shall have twice before been convicted in the United States of a crime punishable by confinement in a penitentiary, the

person shall be sentenced to be confined to the state correctional facility for life.

Thereupon, the Court advised the defendant of his rights with respect to appeal.

Thereupon, the Court advised the defendant of the requirements of the Sexual Offender Registration Act by a reading in open court of the Notice and Acknowledgement Sexual Offender Registration Requirements. After said reading of the notice, the defendant and the Court fully executed two (2) duplicate originals of the Notice and Acknowledgement Sexual Offender Registration Requirements in open Court and **ORDERED** one (1) of the duplicate originals of the Notice and Acknowledgement Sexual Offender Registration Requirements to be filed and made a part of the record in the this case and provided one (1) of the duplicate originals of the Notice and Acknowledgement Sexual Offender Registration Requirements to the defendant.

Thereupon, counsel for the State addressed the Court as to sentencing in this matter.

Thereupon, counsel for the defendant addressed the Court as to sentencing in this matter.

Thereupon, the Court advised the defendant of his right of allocution, and the defendant, Joshua Deem, did not address the Court prior to imposition of sentence but had previously sent a letter to the Court as his allocution.

Nothing further being offered in delay of judgment herein with regard to defendant's plea of guilty to the felony offense of Soliciting a Minor via Computer as charged in the Indictment in this case, it was considered and **ORDERED** by the Court

that said defendant, Joshua Deern, be committed to the custody of the Commissioner of the West Virginia Department of Corrections for a term of not less than two (2) years nor more than twenty (20) years from May 24, 2018.

It is further **ORDERED** that no fine shall be assessed against the defendant based upon the defendant's social-economic status.

Thereupon, the Court suspended said sentence and placed the defendant on supervised probation for a period of three (3) years from May 24, 2018, under the following terms and conditions:

- A. That he pay the costs of these proceedings to the Clerk of this Court within one (1) year from May 24, 2018, and the State of West Virginia shall have a judgment against the defendant for the amount of said costs;
- B. That he be of good behavior and keep the peace;
- C. That he not violate any laws of the State of West Virginia, any other State, any County or municipality or of the United States of America;
- D. That he not leave the State of West Virginia without the prior consent of the Court or his probation officer;
- E. That he shall not possess in his home or carry about his person any firearms or lethal weapons;
- F. That he shall not consume or have in his possession any alcoholic beverages, including the so called non-intoxicating beer or wine, nor associate with anyone possessing or consuming the same, nor frequent or enter any establishment where the same are served or sold for consumption on the premises except for his employment;

G. That he shall not consume or have in her possession any narcotics, or controlled substances, which substances shall include synthetic controlled substances, imitation controlled substances, bath salts or incense, with the exception of those medications prescribed for him by a licensed physician for **current legitimate purposes** and taken in the prescribed dosages. The defendant shall further consume over-the-counter medications only as prescribed upon the package. The defendant shall not be in the company of anyone having any narcotics, or controlled substances, which substances shall include synthetic controlled substances, imitation controlled substances, bath salts or incense;

H. That he shall submit to random drug and alcohol tests at the discretion of his probation officer at his expense and shall provide a valid sample of blood, breath or urine at the request of his probation officer for said testing. **A claimed inability to provide a sample will be a violation of his probation;**

I. That he shall remain regularly and gainfully employed, and if not employed, that he make a good faith effort to become regularly and gainfully employed. The defendant shall provide to his probation officer all employment contacts made by him to obtain employment.

J. That he shall attend and successfully complete all counseling and/or treatment programs and any follow-up treatment programs recommended by his Probation Officer at his own expense including therapy and sex offender therapy. The defendant shall submit written proof of attendance weekly and shall submit written proof of successful completion of any recommended counseling and/or treatment programs to his Probation Officer.

K. That he shall abide by all rules of the Sex Offender Registry;

L. That he shall provide to his Probation Officer with progress reports and/or status updates of his treatment program;

M. That he shall complete twenty-five (25) hours of community service each year of his probation, to be completed within six (6) months of each year of probation. Said community service shall be completed with the Litter Control Program or such other program designated by his probation officer or as directed by the Court.

Thereupon, the Court waived the probation performance bond, the probation supervision fee, and the West Virginia Community Corrections Fund fee based upon the defendants socio-economic status.

Thereupon, the defendant was placed in the administrative custody of the Harrison County Adult Probation Office for supervision while on probation and advised that if the defendant, for any reason, should violate the terms and conditions of this probation, the defendant shall be committed to the custody of the Superintendent of the North Central Regional Jail and Correctional Facility by her probation officer or a member of the Harrison County Sheriff's Department until such time as a petition by the State to revoke said probation is filed and a hearing can be conducted upon said petition.

Thereupon, the Court advised the defendant that pursuant to Chapter 62, Article 4, Section 17 of the Code of West Virginia, if costs, fines, forfeitures, penalties or restitution imposed by the Court on the defendant in this matter are not paid in full when Ordered to do so by the Court, the Circuit Clerk shall notify the West Virginia Division of Motor Vehicles of such failure to pay and upon such notice, the Division of Motor Vehicles shall suspend the person's driver's license or privilege to operate a motor

vehicle in this state until such time that the costs, fines, forfeitures or penalties are paid.

Whereupon, it was **ORDERED** that the original written notice be filed and made a part of the record in this case and a copy was provided to the defendant.

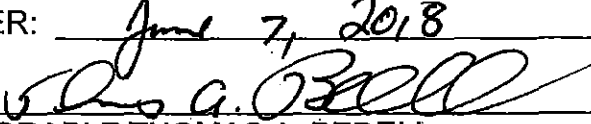
It was further **ORDERED** that the Clerk of this Court transmit a copy of this Order, duly certified, to the following parties:

Zachary L. Houchin, Esq.  
Assistant Prosecuting Attorney  
Third Floor, Courthouse  
301 West Main Street  
Clarksburg, West Virginia 26301

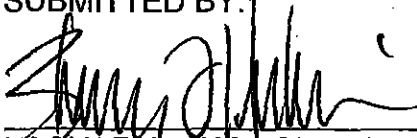
George J. Cosenza, Esq.  
Post Office Box 4  
Parkersburg, West Virginia, 26102

Adult Probation Office  
Sixth Floor, Courthouse  
301 West Main Street  
Clarksburg, West Virginia 26301


ENTER: June 7, 2018

  
HONORABLE THOMAS A. BEDELL,  
Judge for the Fifteenth Judicial Circuit of  
Harrison County, West Virginia, Division 2

SUBMITTED BY:

  
ZACHARY L. HOUCHIN, Esq.  
W.Va. Bar ID No. 12048  
Assistant Prosecuting Attorney

APPROVED AS TO FORM BY:

  
GEORGE J. COSENZA, Esq.  
W.Va. Bar ID No. 833  
Counsel for Defendant

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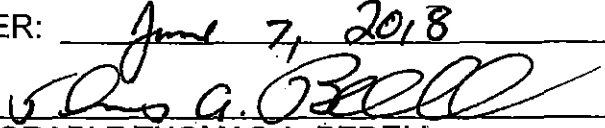
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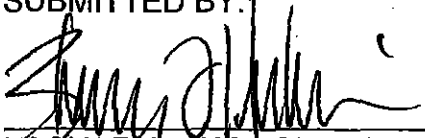
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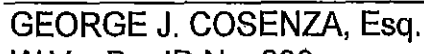
ENTER: June 7, 2018

  
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Judge for the Fifteenth Judicial Circuit of  
Harrison County, West Virginia, Division 2

SUBMITTED BY:

  
ZACHARY L. HOUCHIN, Esq.  
W.Va. Bar ID No. 12048  
Assistant Prosecuting Attorney

APPROVED AS TO FORM BY:

  
GEORGE J. COSENZA, Esq.  
W.Va. Bar ID No. 833  
Counsel for Defendant