

IN THE CIRCUIT COURT OF MINGO COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,
Plaintiff,

v.

CHRISTOPHER RUSSELL MILLS,
Defendant.

NOV 20 10:30 AM

Indictment S18-F82
Honorable Miki Thompson

PLEA AND SENTENCING ORDER

On the 15th day of November, 2018, came the State of West Virginia, by Mingo County Assistant Prosecuting Attorney, W. Thomas Ward, and the Defendant, Christopher Russell Mills, in person and by counsel, William C. Duty, for a plea and sentencing hearing pursuant to W.Va. Rules of Criminal Procedure 11(a)(2).

Whereupon, the Court confirmed that the Defendant wanted to enter a guilty plea and that the Defendant reviewed, understood and executed a Petition to Enter Guilty Plea, Defendant's Statement in Support of Guilty Plea and Guilty Plea pursuant to W.Va. Rules of Criminal Procedure 11(a)(2).

Whereupon, the Court accepted the Defendant's conditional guilty plea to Firearm Possession, a violation of West Virginia Code § 61-7-7(b)(1), as charged in Indictment S18-F82 and preserving the issue for appeal of whether or not KRS 508.060 is a crime of violence as contemplated by West Virginia Code § 61-7-7(b)(1).

Whereupon, the Court obtained a factual basis for the guilty plea.

Whereupon, the Court ADJUDGED the Defendant convicted of Firearm Possession Violation.

Whereupon, the Defendant was notified of applicable post-conviction rights.

Whereupon, the Defendant knowingly, intelligently, voluntarily, understandingly and competently waived the right to a presentence investigation.

After careful consideration of the arguments of counsel, Defendant's allocution

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 and confined subject to all the 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:

- Firearm Possession Violation - West Virginia Code § 61-7-7(b)(1),
a definite term of three (3) years

It is further ORDERED that the Defendant's request for probation is DENIED.

It is further ORDERED that this sentence shall run concurrent with any sentence the Defendant is now serving.

It is further ORDERED that the Defendant shall receive credit for one hundred fifty-seven (157) days served at Southwestern Regional Jail or any other jail or 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
Community Corrections Fund [CCF] [§ 62-5-10(a&b)]	\$25.00
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	\$-0-
Court Reporter Fees [§ 51-7-6]	\$-0-
Appointed Counsel Fees	\$-0-
Fine	\$-0-
Restitution [see paragraph below]	\$-0-
Jury Costs	\$-0-
DNA Analysis	\$150.00
Psychological Testing	\$-0-

Total of assessed fines, cost and restitution is \$377.00.

It is further ORDERED that the Defendant shall provide a DNA sample to be used for DNA analysis pursuant to West Virginia Code § 15-2B-6(a).

It is further ORDERED that the Defendant's counsel shall be given ten (10) days to file any written objections to this Plea and Sentencing Order. If no such objections are timely filed, this Plea and 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 a certified copy of this Plea and Sentencing Order shall be forwarded to Southwestern Regional Jail and the West Virginia Division of Corrections.

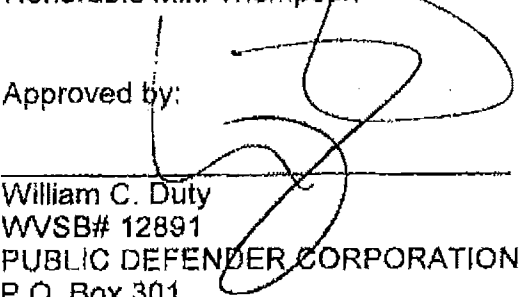
It is further ORDERED that the Clerk shall forward a certified copy of this Plea and Sentencing Order to counsel of record and to the Mingo County Probation Office.

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 entering the same pursuant to West Virginia Code § 62-12-8.

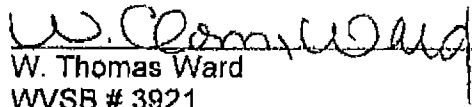
Entered on this the 20th day of November, 2018.


Honorable Miki Thompson

Approved by:


William C. Duty
WVSB# 12891
PUBLIC DEFENDER CORPORATION
P.O. Box 301
Williamson, WV 25661

Prepared by:


W. Thomas Ward
WVSB # 3921
MINGO COUNTY PROSECUTING
ATTORNEY'S OFFICE
78 East Second Avenue, Suite 201
Williamson, WV 25661