

SCANNED

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA



STATE OF WEST VIRGINIA,

vs.

Indictment No. 18-F-241-3  
Honorable James A. Matish

MARK A. WILSON,

Defendant

1/12/19  
PA  
PC  
PBJ  
Fol NCRS  
Fol WVDCC  
PDSUSA  
WVSP  
Ginger  
Rhonda

**SENTENCING ORDER/RESTITUTION ORDER/ORDER COMMITTING DEFENDANT TO CUSTODY OF COMMISSIONER OF THE WEST VIRGINIA DIVISION OF CORRECTIONS/ORDER APPOINTING PUBLIC DEFENDER SERVICES**

On the 10th day of January, 2019, came the State of West Virginia by Zachary L. Houchin, Assistant Prosecuting Attorney for Harrison County, West Virginia, and came also the defendant, Mark A. Wilson, in person and in the custody of the Sheriff of Harrison County, West Virginia, and by his counsel, Perry B. Jones, Assistant Public Defender. Also present for said proceedings were Trooper First Class R. W. Jones of the West Virginia State Police and Jared Wharram, Adult Probation Officer. All parties were present for a sentencing hearing in the above-styled Indictment.

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

Thereupon, the Court acknowledged receipt of all post-trial motions and responses thereto.

The Court further noted that the defendant continued to file *pro se* motion despite being directed to cease.



Thereupon, the Court addressed the Court regarding *Defendant's Motion to Set Aside the Jury Verdict and Enter Judgment of Acquittal or in the Alternative Grant a New Trial* and heard from counsel for the parties.

Thereupon, the Court **DENIED** *Defendant's Motion to Set Aside the Jury Verdict and Enter Judgment of Acquittal or in the Alternative Grant a New Trial*.

Thereupon, the Court **DENIED** any motions of the defendant previously addressed during trial and held in abeyance.

Thereupon, the Court acknowledged receipt of the Presentence Investigation Report, dated December 4 2018, prepared by Jared Wharram, Adult Probation Officer.

Thereupon, counsel for the State represented unto the Court that he had received and reviewed a copy of the Presentence Investigation Report 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 and reviewed the same with his client and advised that the defendant objected to the criminal history listed, which the Court took under advisement.

The Court, thereupon, **ORDERED** that the Presentence Investigation Report prepared by Jared Wharram, be filed and made a part of the record in this case.

Thereupon, counsel for the State addressed the matter of sentencing.

Thereupon, counsel for the defendant addressed the matter of sentencing.

Thereupon, the Court advised the defendant of his right of allocution, and the defendant, Mark A. Wilson, addressed the Court relative to sentencing in this matter

Nothing further being offered in delay of judgment herein with regard to defendant's conviction of the felony offense of Fleeing in a Vehicle From Law Enforcement Showing a Reckless Indifference to the Safety of Others as contained in Count One of the indictment in this case, it was **ORDERED** by the Court that said defendant, Mark A. Wilson, be committed to the custody of the Commissioner of the West Virginia Division of Corrections for an indeterminate term of not less than one (1) year nor more than five (5) years from the 13th day of November, 2018, thereby giving said defendant credit for fifty-eight (58) days time previously served. It was further **ORDERED** that the defendant, Mark A. Wilson, shall pay a minimum fine of One Thousand Dollars (\$1,000.00).

It was further **ORDERED** that the defendant, Mark A. Wilson, shall pay the costs of these proceedings. Said costs shall be paid to the Clerk of this Court within six (6) months from his release from the penitentiary, either by discharge of his sentence or by parole and the State of West Virginia shall have a judgment against the defendant for the amount of said costs.

It was further **ORDERED** that the defendant, Mark A. Wilson, shall pay restitution as following:

1) The amount of One Thousand Seven Hundred Eighty-nine Dollars and Ninety-two Cents (\$1,789.92) to the West Virginia State Police, 2350 Murphy's Run Road, Bridgeport, West Virginia 26330. Said restitution shall be paid to the Clerk of this Court within six (6) months from his release from the penitentiary, either by discharge of his sentence or by parole and the West Virginia State Police shall have a judgment against the defendant for said amount of restitution. Said costs shall be paid to the

Clerk of this Court within one hundred six (6) months from his release from the penitentiary, either by discharge of his sentence or by parole.

2) The amount of Two Thousand Six Hundred Sixty Dollars and Forty-five cents (\$2,660.45) to Gary Morgan, "Bunner Dairy Farm", 2146 Corbin Branch Road, Bridgeport, West Virginia 26330 and Gary Morgan shall have a judgment against the defendant for said amount of restitution. Said costs shall be paid to the Clerk of this Court within one hundred six (6) months from his release from the penitentiary, either by discharge of his sentence or by parole.

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.

Thereupon, 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.

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

Thereupon, the Court does hereby **GRANT** defense counsel's *Motion to Withdraw From Representation*.

Thereupon, the Court further **ORDERED** that the Public Defender Services, Appellate Advocacy Division, Attention: Dana Shay, 1 Players Club Drive, Suite 301,

Charleston, West Virginia 25311, shall be appointed to represent the defendant with respect to any appeal.

Whereupon, the defendant was remanded to the custody of the Sheriff of Harrison County, West Virginia for transport to the North Central Regional Jail to await transfer to the West Virginia Division of Corrections.

**COUNT ONE: FLEEING IN A VEHICLE FROM LAW ENFORCEMENT**  
**SHOWING A RECKLESS INDIFFERENCE TO THE SAFETY OF OTHERS**  
**1-5 YEARS**

<b>CONVICTION DATE:</b>	<b>NOVEMBER 13, 2018</b>
<b>SENTENCE DATE:</b>	<b>JANUARY 10, 2019</b>
<b>EFFECTIVE SENTENCE DATE:</b>	<b>NOVEMBER 13, 2018</b>

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  
Courthouse, Suite 201  
301 West Main Street  
Clarksburg, West Virginia 26301

Perry B. Jones, Esq.  
Public Defender Corporation  
203 West Main Street  
Clarksburg, West Virginia 26301

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

North Central Regional Jail  
and Correctional Facility  
#1 Lois Lane  
Greenwood, West Virginia 26415

West Virginia Department of Corrections  
1409 Greenbrier Street  
Charleston, West Virginia 25305

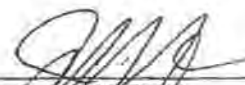
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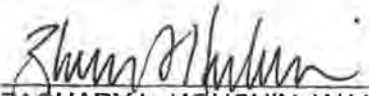
West Virginia State Police  
2350 Murphy's Run Road  
Bridgeport, West Virginia 26330

Gary Morgan  
Bunner Dairy Farm  
2145 Corbin Branch Road  
Bridgeport, West Virginia 26330

ENTER: 01/18/2019

  
HONORABLE JAMES A. MATISH,  
Chief Judge for the Fifteenth Judicial Circuit  
of Harrison County, West Virginia, Division 3

SUBMITTED BY:

  
ZACHARY L. HOUCHEIN, W.Va. Bar Id 12048  
Assistant Prosecuting Attorney

APPROVED AS TO FORM BY:

  
PERRY B. JONES, W.Va. Bar Id 9683  
Counsel for Defendant



STATE OF WEST VIRGINIA  
COUNTY OF HARRISON, TO-WIT

I, Albert F. Marano, Clerk of the Fifteenth Judicial Circuit and the 18<sup>th</sup> Family Court Circuit of Harrison County, West Virginia, hereby certify the foregoing to be a true copy of the ORDER entered in the above styled action on the 18 day of January, 2019.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the

Seal of the Court this 28 day of January, 2018.

Albert F. Marano  
Fifteenth Judicial Circuit & 18<sup>th</sup>  
Family Court Circuit Clerk se  
Harrison County, West Virginia

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Defendant

1/22/19  
PA  
PO  
PD-P  
FD WVD  
FD NCR  
PDSAA

**AMENDED**

**SENTENCING ORDER/RESTITUTION ORDER/ORDER COMMITTING DEFENDANT  
TO CUSTODY OF COMMISSIONER OF THE WEST VIRGINIA DIVISION OF  
CORRECTIONS/ORDER APPOINTING PUBLIC DEFENDER SERVICES**

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*J. Jan 01/22/2019*

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**SENTENCE DATE: JANUARY 10, 2019**  
**EFFECTIVE SENTENCE DATE: NOVEMBER 13, 2018**

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Assistant Prosecuting Attorney  
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301 West Main Street  
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Public Defender Corporation  
203 West Main Street  
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Harrison County Adult Probation Office  
Sixth Floor, Courthouse  
301 West Main Street  
Clarksburg, West Virginia 26301

North Central Regional Jail  
and Correctional Facility  
#1 Lois Lane  
Greenwood, West Virginia 26415


West Virginia Department of Corrections  
1409 Greenbrier Street  
Charleston, West Virginia 25305

Public Defender Services  
Appellate Advocacy Division  
Attention: Dana Eddy  
1 Players Club Drive, Suite 301  
Charleston, West Virginia 25311

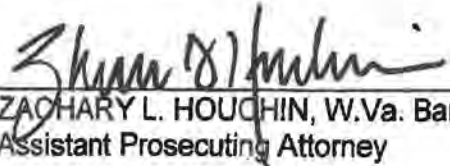
West Virginia State Police  
2350 Murphy's Run Road  
Bridgeport, West Virginia 26330

Gary Morgan  
Bunner Dairy Farm  
2145 Corbin Branch Road  
Bridgeport, West Virginia 26330

ENTER: 01/22/2019

  
HONORABLE JAMES A. MATISH,  
Chief Judge for the Fifteenth Judicial Circuit  
of Harrison County, West Virginia, Division 3

SUBMITTED BY:

  
ZACHARY L. HOUGHIN, W.Va. Bar Id 10852  
Assistant Prosecuting Attorney

APPROVED AS TO FORM BY:

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PERRY B. JONES, W.Va. Bar Id 9683  
Counsel for Defendant

STATE OF WEST VIRGINIA

COUNTY OF HARRISON, TO-WIT

I, Albert F. Marano, Clerk of the Fifteenth Judicial Circuit and the 18<sup>th</sup> Family Court Circuit of Harrison County, West Virginia, hereby certify the foregoing to be a true copy of the ORDER entered in the above styled action on the

22<sup>ND</sup> day of January, 2019.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the

Seal of the Court this 22<sup>ND</sup> day of January, 2019.

Albert F. Marano

Fifteenth Judicial Circuit & 18<sup>th</sup>

Family Court Circuit Clerk

Harrison County, West Virginia