

**State of West Virginia,
Plaintiff,**

vs.)

Case No. CC-45-2019-F-37

**Ronald Eugene Ward,
Defendant**

This matter came before the Court on the 1st day of November, 2019, for a sentencing hearing. The State of West Virginia was represented by Summers County Prosecuting Attorney, Kristin R. Cook. The Defendant appeared in person and by his counsel, Scott A. Ash. Also present for the hearing was Stan Workman, Probation Officer.

The Court first reviewed the procedural history of the above-styled matter on the record. On October 8, 2019, the Defendant was convicted following a jury trial of the felony offense of Possession of a Firearm by a Prohibited Person, as charged in Count One of Indictment CC-45-2019-F-37, and the misdemeanor offenses of Driving Revoked for DUI 2nd offense and Driving Suspended, as charged in Counts Two and Six of Indictment CC-45-2019-F-08. On October 11, 2019, the Defendant also appeared for arraignment on the State's Information seeking enhancement of the Defendant's sentence. At that hearing, the Defendant waived his right to a jury trial and admitted that he was the same Defendant previously convicted of a felony offense of Attempted Possession of a Firearm by a Person Prohibited. The Defendant appears today for sentencing following his convictions.

The Court inquired of the Defendant and his counsel if they had received a copy of the Pre-Sentencing Investigation Report filed by the Probation Officer Stan Workman and had the opportunity to go over it. The Defendant and his counsel

stated that they had, and indicated that there were a few corrections or changes they wished to make to the Report concerning some of the civil history section.

Accordingly, the Court, without objection of counsel for the State and counsel for the Defendant, ordered that the Presentence Investigation Report of Stan Workman be filed and made a part of the record in the case, including all noted corrections. The Court then proceeded with sentencing.

Counsel for the Defendant then argued his previously filed written Motion for Judgment of Acquittal, citing that his questions of legal authority were one of first impression. Counsel outlined his previously made arguments of issues with conflict of laws. The Court denied the Defendant's motion, and preserved counsel's objection for purposes of appeal.

Whereupon the Court afforded counsel for the Defendant an opportunity to speak on behalf of the Defendant and the Court addressed the Defendant personally and afforded him an opportunity to make a statement on his behalf and to present any information in mitigation of punishment. The Court further afforded the attorney for the State an opportunity to make a statement to the Court on behalf of the State with respect to sentencing.

After examining the Presentence Investigation Report and, after maturely considering the statements of all parties and the arguments of counsel and the Probation Department, the Court concluded that the Defendant's motion for probation or other alternative sentence should be denied. Whereupon the Court pronounced the Defendant's sentence and further advised the Defendant of his right to appeal said conviction and sentence. Counsel for the Defendant requested that Post-Conviction bond be set as the Defendant sought appeal. The Court denied the Motion, citing the nature of the offense, the Defendant's previous non-compliant behaviors while on bond, and the risks to the community.

Accordingly, it is hereby **ORDERED** and **ADJUDGED**:

1. The Defendant's motion for probation or other alternative sentence is

DENIED.

2. The Defendant's Motion for Judgment of Acquittal is **DENIED**.
3. The Defendant's Motion for Post-Conviction Bond is **DENIED**.
4. Accordingly, the Defendant is hereby **SENTENCED** to the penitentiary of this State for a determinate period of ten (10) years for his felony conviction of Possession of a Firearm by a Prohibited Person, as contained in Count One of Indictment CC-45-2019-F-37 (a determinate period of five (5) years for his conviction, with an additional **ENHANCEMENT** of five (5) years, pursuant to W.Va. Code §61-11-18). The Defendant's effective sentencing date shall be November 1, 2019.
5. The Defendant is hereby **SENTENCED** to time served (137 days) for his misdemeanor convictions of Driving Suspended and Driving Revoked for DUI 2nd offense, as contained in Counts Two and Six of Indictment CC-45-2019-F-08.
6. The costs of these proceedings shall be assessed as a judgment against the Defendant and in favor of the State of West Virginia.
7. Any bond posted in this matter shall be released to the proper authority.
8. The Clerk is directed to provide a certified copy of this Sentencing Order to counsels of record, the probation department, Southern Regional Jail, and the West Virginia Division of Corrections, and to remove this case from the active docket of this Court.

/s/ Robert Irons
Circuit Court Judge
31st 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.