

IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

Plaintiff,

vs.

CASE NO. 19-F-8 JAC

GERALD WAYNE JAKO, JR.,

Defendant.

SENTENCING ORDER

On the 7th day of October, 2019, came the State of West Virginia by Shawn R. Turak, Assistant Prosecuting Attorney; and as well came the Defendant, Gerald Wayne Jako, Jr., in person, and by his counsel, Mark Panepinto, Esquire, this day and time having been set for a Sentencing Hearing in the above referenced matter.

WHEREUPON, the Court noted that on **August 23, 2019**, the Defendant was found guilty by a jury of his peers of the felony offense of "Robbery in the First Degree". A Pre-Sentence Investigation Report was done and the parties were afforded a copy of the Pre-Sentence Investigation.

THEREUPON, counsel for both parties indicated receipt of the Pre-Sentence Investigation Report, advising that neither party requested any modifications, changes or alterations to the content of the report. Accordingly, the Court,

ORDERED the Pre-Sentence Investigation Report **SEALED, FILED** and made a part of the record of these proceedings.

WHEREUPON, the Court afforded counsel for the Defendant an opportunity to address the Court regarding sentencing. Counsel for the Defendant did argue sentencing.

THEREUPON, the Court advised the Defendant of his right of allocution and the Defendant did decline to exercise his right to allocute.

WHEREUPON, counsel for the State addressed the Court regarding and argued sentencing in this matter. Upon being given the opportunity, the victim, Shauna Cobb, did decline to make a statement beyond the victim impact statement contained within the Pre-Sentence Investigation Report.

THEREUPON, the Court did spread upon the record its rationale for its sentence and the Court did then

ORDER that the Defendant is and shall hereby be sentenced to ONE HUNDRED (100) years in the custody of the Department of Corrections as a result of his conviction for "Robbery in the First Degree". The Court did further

ORDER that the Defendant, Gerald Wayne Jako, Jr., shall be given credit for all time served and that the effective sentencing date is **September 28, 2018**. The Court did further

ORDER that no fines shall be imposed but any and all of the usual and customary court costs shall be assessed.

THEREUPON, the Court did review with the Defendant his appellate rights relative to the sentencing hearing, to which the Defendant, Gerald Wayne Jako, Jr., indicated that he understood.

THEREUPON, counsel for the Defendant did request to be relieved from further representation of the Defendant regarding his appeal, noting his anticipated busy schedule. The Court did advise counsel to file the appropriate motion. The Court did then further

ORDER that the Defendant be remanded to the Department of Corrections. The Court did further

ORDER that the Clerk of the Circuit Court shall provide an attested copy of this Order to counsel of record, to West Virginia Department of Corrections, and the Ohio County Adult Probation Officer.

DATED this 8th day of October, 2019.


JASON A. CUOMO, JUDGE

PREPARED BY:

/Shawn R. Turak
Shawn R. Turak
Assistant Prosecuting Attorney
Ohio County, West Virginia