

**IN THE CIRCUIT COURT OF GREENBRIER COUNTY, WEST VIRGINIA**

**STATE OF WEST VIRGINIA,  
Plaintiff,**

**v.**

**Criminal Action No. 12-F-34**

**JOHN THOMAS CAMPBELL,  
Defendant.**

**ORDER**

On February 15, 2019, this action came on for a hearing before the Court, following the conduct of certain proceedings in Civil Action No. 18-C-24, in which the Defendant herein, John Thomas Campbell, had sought relief from his current incarceration in this action, asserting in part that he had not received effective assistance of counsel from his trial counsel, in that his counsel had not pursued an appeal of his conviction and sentence herein. The Defendant, John Thomas Campbell, appeared in person and by his counsel, Eric M. Francis. The State of West Virginia appeared by its counsel, Patrick I. Via, Prosecuting Attorney in and for Greenbrier County, West Virginia.

The Court in Civil Action No. 18-C-24 having found that the Defendant herein was entitled to limited relief, so as to permit him now to pursue an appeal of his conviction and sentence in this action, and that the Defendant should be resentenced in this action so as reinstate his appeal rights, the Court proceeded to hear from counsel for the Defendant and from the Defendant personally, as well as from counsel for the State, all in accordance with Rule 32 of the West Virginia Rules of Criminal Procedure. Based upon such findings as appear upon the record of this proceeding, including those findings made at the time of the Defendant's initial sentencing hearing on October 18, 2013, and at the time of reimposition of the Defendant's sentence of imprisonment on August 4, 2014, the Court ORDERS as follows:

1. Upon the Defendant's conviction for the felony offense of sexual abuse by a parent, guardian, custodian, or person in position of trust in relation to a child, the Defendant shall be sentenced to imprisonment in the penitentiary of this State for an indeterminate period of not less than ten (10) years nor more than twenty (20) years.
2. In accordance with the provisions of W. Va. Code §62-12-26, the Defendant shall be subject to supervised release for a period of twenty (20) years, following the expiration of any sentence of incarceration or the expiration of any period of parole supervision imposed upon him, or upon the expiration of any period of probation, whichever expires later, during which time the Defendant shall be supervised by supervised by a multijudicial circuit probation officer, if available, and if not by the probation office of this Court or of such circuit in which he is then residing, all upon the following terms and conditions:
  - a. The Defendant shall violate no law of this State, any other state, the United States, or any political subdivision thereof.
  - b. The Defendant shall comply with the rules and regulations of the probation department providing his supervision.
  - c. The Defendant shall abstain from the use or possession of all alcohol, controlled substances and other drugs (including marijuana), except for such drugs as may be lawfully prescribed for him by his health care provider and used in accordance with his health care provider's prescription.
  - d. The Defendant shall submit to random screenings of his blood, breath or urine, and immediately upon the request of his supervising officer, at his own expense.
  - e. The Defendant must attend and actively participate in an appropriate offender treatment program or counseling during the period of supervised release until such

time as the Court deems the offender treatment programs or counseling to no longer be appropriate or necessary. The Defendant shall be responsible for the payment of all fees relative to his treatment program or counseling, and he must maintain steady progress toward all treatment goals as determined by his treatment provider. Termination from treatment for non-compliance with any required behavioral management requirements will be considered a violation of the conditions of extended supervised release. The Defendant may not change treatment providers without prior permission of his supervising officer or written Order of this Court.

- f. The Defendant shall attend (with no absences except as may be approved by his supervising officer) all appointments for treatment, psychotherapy, counseling, and self-help or community support groups, relative to his approved program of treatment or counseling.
- g. The Defendant shall comply with all requirements relative to his legal obligation to register as a sex offender, within the time permitted by law.
- h. The Defendant shall have no direct or indirect contact with any persons under the age of eighteen (18) years, including physical contact of any type and communication in any form (including oral, written, electronic or other communication of any kind). The Defendant shall refrain from any efforts to engage with any persons under the age of eighteen (18) years by nonverbal means, or through other persons.
- i. The Defendant shall avoid being in the geographic proximity of any person under the age of eighteen (18) years, under circumstances that would permit the establishment of verbal or non-verbal communication with that person. In any

circumstance where a person under the age of eighteen (18) initiates communication with the Defendant, it is the Defendant's responsibility to terminate the communication immediately, by removing himself from the area, if necessary. All efforts should be made to minimize the potential for any inadvertent contact with minors by timing visits to public places, shopping, riding on public transportation, etc., when minors are not likely to be present.

- j. Notwithstanding the foregoing provisions of this Order, the Defendant may have limited supervised or chaperoned contact with persons under the age of eighteen (18) years, at such times and under such conditions as may be approved in advance by his supervising officer. Such contact shall not extend to any exchange of pictures, gifts or money.
- k. Unless otherwise authorized, the Defendant shall maintain a single, verifiable residence within Greenbrier County or within such other county in the State of West Virginia as may be approved by his supervising officer. Any change of address must be approved in advance by his supervising officer. The Defendant must inform all persons living at Defendant's place of residence about all conditions of the Defendant's extended supervised release.
- l. The Defendant must maintain full-time employment or perform community service as approved by his supervising officer until he is fully employed. The Defendant's supervising officer must approve in advance any employment, community service and locations, and may contact the Defendant's employer at any time. The Defendant will not work in any job or occupation that involves being in the private

residence of others, such as, but not limited to, door-to-door sales, soliciting, home service visits or delivery.

- m. Defendant shall not establish a residence or accept employment within one thousand (1,000) feet of a school or childcare facility or within one thousand (1,000) feet of the residence of a victim or victims of any sexually violent offense for which Defendant has been convicted.
- n. The Defendant shall not live in the same residence as any minor child, and shall not exercise visitation with any minor child or have any contact with the victim of the offense, without petitioning the court for modification of this condition and being granted permission to do so in accordance with W.Va. Code § 62-12-9(a)(4).
- o. The Defendant will be subject to a curfew at the direction of his supervising officer.
- p. The Defendant will notify his supervising officer of any dating, intimate and/or sexual relationship. The Defendant will not engage in a dating, intimate or sexual relationship with any person who has children under the age of 18 years.
- q. The Defendant will not be present at or enter within two blocks of any park, school, playground, swimming pool, daycare center, or other specific locations where children are known to congregate unless approved in advance by his supervising officer.
- r. The Defendant will not participate in any activity which involves children under the age of 18, such as, but not limited to youth groups, Boy Scouts, Girl Scouts, Cub Scouts, Brownies, 4-H, YMCA, youth sports teams, babysitting, volunteer work, or any activity deemed inappropriate by his supervising officer.

- s. The Defendant must report any incidental contact with persons under the age of 18 years to his supervising officer within 24 hours of such contact.
- t. The Defendant must not possess obscene matter as defined by West Virginia Code § 61-8A-1 or child pornography as defined in 18 U.S.C. § 2256(8), including but not limited to: videos, magazines, books, DVDs and material downloaded from the Internet. Defendant will not visit strip clubs, adult bookstores, motels specifically operated for sexual encounters, peep shows, bars where partially nude or exotic dancers perform, or that sell sexual devices or aids.
- u. Defendant is allowed access to a computer only upon the following conditions:
  1. Defendant is responsible for all data, material, images and information used or accessed through my computer or any removable media within his residence.
  2. Defendant is responsible, as directed, to provide any information regarding any computer system or any removable media within his residence.
  3. Defendant, as directed his supervising officer, will permit monitoring or seizure of any personal or professional computers, related components, peripherals, data storage devices, removable media or any object that may appear to be related to the function of a computer.
  4. Defendant will provide any required passwords accessed by Defendant as directed by his supervising officer.
  5. Defendant is prohibited from altering or destroying records of computer use, including the use of software or functions designated to alter or clean



computer media, block monitoring software, or restore a computer to a previous state.

6. Defendant will install or allow the installation of monitoring software to monitor or limit computer use, at Defendant's expense and at the direction of his supervising officer. Defendant will remove any hardware and/or software at his own expense and at the directed by his supervising officer. Defendant will have no expectation of privacy regarding computer use or information stored on the computer if monitoring software is installed and Defendant will understand and agree that information gathered by said monitoring software may be used against Defendant in subsequent court actions regarding the use of a computer and conditions of his supervised release.
7. Defendant will provide any phone records, credit card bills/statements, invoices, transaction records and any other documentation as directed by his supervising officer.
8. Defendant will obtain prior written permission from his supervising officer to access any Internet Service Provider relay service that provides access to any external lines of communication. This includes, but is not limited to, electronic bulletin boards, mail systems, chat rooms or ListServs.
9. Defendant is prohibited from using any form of cryptography, stenography, compression and/or other methods that would act to limit access to or change the appearance of any image or data.
10. Defendant will provide his supervising officer at all times with a current list of all computer equipment used by Defendant, including back-up systems.

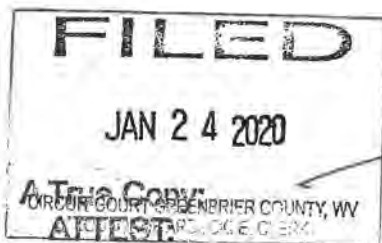
11. Defendant will not access any computer, including those at Defendant's residence, without prior written permission from the probation department.
  12. Defendant will specifically agree and voluntarily consent to examination and/or search of his computer at any time, announced or unannounced by the probation department or designee to verify compliance with the conditions of computer use.
- v. Defendant will sign a waiver of confidentiality, release of information, and any other document required that permits his supervising officer and other behavioral management or treatment provider to collaboratively share and discuss Defendant's behavioral management conditions, progress, and probation needs, as a team. This permission may extend to: 1) sharing Defendant's relapse prevention plan and treatment progress with significant others and/or victim's therapist as directed by his supervising officer or treatment provider; and 2) sharing Defendant's modus operandi behaviors with law enforcement personnel.
- w. Defendant will submit to polygraph testing in accordance with West Virginia Code § 62-1 ID-2 to assist his supervising officer in monitoring compliance with the conditions of his supervised release and treatment, which will be at Defendant's expense, unless Defendant has been judicially determined to be unable to pay for such tests.
- x. If directed to do so by his supervising officer, Defendant will submit to electronic monitoring in accordance with West Virginia Code § 62-1 ID-3, which will be at his own expense, unless Defendant has been judicially determined to be unable to



pay for such monitoring, with a curfew to be determined by his supervising officer.

3. The costs of this proceeding are assessed as a judgment against the Defendant, and he shall pay these costs within three (3) years following his release from active incarceration, whether upon the discharge of his sentence, parole, or otherwise. The Court informed the Defendant, both orally and by written notice, that, if he fails to pay all such costs within the time provided, the West Virginia Division of Motor Vehicles shall suspend his driver's license.
4. The Defendant has the right to appeal this sentence, and he was advised in open Court of the proper procedure for perfecting such an appeal and for filing any motion for reduction or modification of his sentence.
5. The Defendant shall receive credit in the amount of 188 days for time served at the Southern Regional Jail through August 4, 2014, when his sentence was reimposed, including the period of October 13, 2013, through March 4, 2014, and the period of June 14, 2014, through August 4, 2014. The Defendant shall also receive credit for the time he has spent in the custody of the Division of Corrections following the reimposition of his sentence on August 4, 2014.

The Clerk of this Court is hereby directed to provide a copy of this Order upon its entry to Eric M. Francis, as counsel for the Defendant, and to Patrick I. Via, Prosecuting Attorney of Greenbrier County.



ENTER:

*January 24, 2020*

*[Signature]*  
Robert E. Richardson, Judge

*Lauronne Arquette*  
Clerk, Circuit Court  
Greenbrier County, WV