

7-10-2020
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Shreve

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

Vs.

Case No. 15-F-128-3
Honorable James A. Matish

JAMIE LYNN METHENY,

Defendant.

**ORDER FOLLOWING FINAL HEARING ON
STATE'S FOURTH PETITION TO REVOKE PROBATION/
ORDER EXTENDING PROBATION**

On the 1st day of July, 2020, came the State of West Virginia by Andrea L. Roberts, Assistant Prosecuting Attorney for Harrison County, West Virginia, and came also the defendant, Jamie Lynn Metheny, in person and by her counsel, Ryan C. Shreve, Esquire. Also present for said proceedings were Eric Spatafore, Adult Probation Officer, Renee Eades, Court Reporter for Division 3 and the Honorable James A. Matish, presiding. All parties were present electronically via Skype for Business, pursuant to the authority granted by

Administrative ^{protocols} Order of the West Virginia Supreme Court of Appeal, ~~JUDICIAL EMERGENCY DELCARED, SECOND AMENDED ORDER~~, entered April 22, 2020, for a hearing in this matter.

Whereupon, the Court reviewed the procedural history of the above referenced case.

Thereupon, the Court interrogated the defendant at length for the purpose of determining if she had been furnished a copy of and had read the Fourth Petition to Revoke Probation, to which she advised the Court that she had seen the Fourth Petition.

Thereupon, the Court interrogated the defendant at length for the purpose of determining

if she had been furnished a copy of and had read the Fourth Petition to Revoke Probation in this case, and whether she reviewed the same with her attorney, whether she understood the nature of the allegations against her as contained in the Fourth Petition to Revoke Probation in this case, to all of which the said defendant answered in the affirmative.

Thereupon, the Court further interrogated the defendant at length as to whether or not she understood that she had the right to have the State prove its allegations in the petition by a clear preponderance of the evidence and that she had the right to stand mute during the proceedings; that she had the right to confront and cross-examine her accusers; that she had the right to present witnesses in her own defense and to testify herself in her own defense, to all of which the defendant replied in the affirmative.

Thereupon, counsel for the defendant represented to the Court that the defendant wished to admit to the allegations contained in Paragraphs 7(A) and 7(B) of the Fourth Petition. After being sworn and placed under oath, and after questioning by the Court, the defendant admitted that she violated the terms and conditions of her probation, as set forth in allegations numbered one (1) and two (2) in the Petition to Revoke Probation.

Based upon the defendant's admissions to the Court and her testimony, the Court did **FIND** by a clear preponderance of the evidence that reasonable cause exists to find that the defendant, Jamie Lynn Metheny, violated the terms and conditions of her probationary period as set forth in allegations contained in Paragraphs 7(A) and 7(B) of the Fourth Petition, in that she left the State of West Virginia without permission and that she failed to advise her probation officer that she was living with her child's father in the Commonwealth of

Pennsylvania. Thereupon, the Court heard the recommendations from counsel for the State and counsel for the defendant as to disposition in this matter.

Thereupon, the defendant, Jamie Lynn Metheny, did address the Court as to this matter.

Thereupon, the Court did **GRANT** the defendant permission to reside in the Commonwealth of Pennsylvania.


After consideration of all of which, the Court, **ORDERED** that the defendant, Jamie Lynn Metheny's, period of supervised probation be extended to August 20, 2021, upon the terms and conditions of the Court's previous Order entered on August 20, 2015. Defense counsel's objection to probation beyond five (5) years is noted for the record. It was further **ORDERED** that the Clerk of this Court transmit a copy of this Order, duly certified, to the following parties:

Andrea L. Roberts, Esq.
Prosecuting Attorney
301 West Main Street
Clarksburg, West Virginia 26301

Ryan C. Shreve, Esq.
Shreve Law Firm
Post Office Box 1645
Morgantown, West Virginia 26507

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

ENTER: 07/10/2020



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

SUBMITTED BY

ANDREA L. ROBERTS, W.Va. Bar Id. #10852
Assistant Prosecuting Attorney

APPROVED AS TO FORM BY:


RYAN C. SHREVE, W.Va. Bar Id. #13046
Counsel for Defendant