

IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA

OK
ENTERED
JUL 15
AUG 14 2020

STATE OF WEST VIRGINIA,

Plaintiff,

VS:

*** CASE NO.: 19-F-125

SCOTTY JOSEPH BYERS,

Defendant.

AMENDED ORDER

On this 4th day of June 2020, came the State of West Virginia by Blaire Hudson, Assistant Prosecuting Attorney in and for Wood County appearing in person, Kyla Smith, Adult Probation Officer appearing in person, and the Defendant, in custody accompanied by his attorney, D. Shane McCullough, both appearing remotely.

Whereupon, the Court, before imposing sentence, determined that the Defendant and his counsel have had the opportunity to read and discuss the pre-sentence investigation report and the addendums dated May 22 and June 3, 2020 submitted by the Probation Officer.

The Court further afforded the Defendant an opportunity to present evidence, afforded defense counsel the opportunity to speak on behalf of the Defendant and asked the Defendant personally if he wished to make a statement on his own behalf and to present any information in mitigation of punishment. The attorney for the State was also given an equivalent opportunity to present evidence or speak to the Court.

On February 28, 2020, the Court FOUND, ORDERED, and ADJUDGED the Defendant guilty upon his plea of guilty to the offense of Failure to Appear, a felony as contained in Count One of Indictment No.: 19-F-125. Pursuant to the previous finding of guilt, it is ORDERED that the Defendant be committed to the custody of the West Virginia Division of Corrections and Rehabilitation for a term and period of not less than one (1) year nor more than five (5) year(s) with a credit of 216 days.

The Court further FOUND, ORDERED, and ADJUDGED the Defendant guilty upon his plea of guilty to the offense of Failure to Appear, First Offense, a felony as contained in Count Three of Indictment No.: 19-F-125. Pursuant to the previous finding of guilt, it is ORDERED that the Defendant be committed to the custody of the West Virginia Division of Corrections and

8/14/20 forward to WDCRS, WVDOR

Rehabilitation for a term and period of not less than one (1) year nor more than five (5) year(s) with zero (0) days credit.

The Court further FOUND, ORDERED, and ADJUDGED the Defendant guilty upon his plea of guilty to the offense of Failure to Register, First Offense, a felony as contained in Count One of Information No.: 19-F-125. Pursuant to the previous finding of guilt, it is ORDERED that the Defendant be committed to the custody of the West Virginia Division of Corrections and Rehabilitation for a term and period of not less than one (1) year nor more than five (5) year(s) with zero (0) days credit.

The Court further FOUND, ORDERED, and ADJUDGED the Defendant guilty upon his plea of guilty to the offense of Fleeing from a Police Officer, a misdemeanor as contained in Count Two of Information No.: 19-F-125. Pursuant to the previous finding of guilt, it is ORDERED that the Defendant be committed to the custody of the West Virginia Division of Corrections and Rehabilitation for a term and period of 216 days(s) with a credit of 216 days.

Sentences for Count One of the Indictment and Count Two of the Information are to run concurrently to each other and consecutively to Count Three of the Indictment. Count One of the Information shall run consecutively to all other charges.

The Court having before him the report of the Probation Officer of this Court and having maturely considered said report and Defendant's motion for probation heretofore made, is of the opinion that the character and the circumstances of the case indicate that the Defendant is likely to again commit crime and that the public good does require that the Defendant be imprisoned. It is, therefore, ORDERED that said motion for probation be denied for these and other reasons appearing more fully upon the record.

It is further ORDERED that the Defendant pay to the Clerk of this Court the following costs:

Clerk's Fee - \$105.00

Prosecuting Attorney Fee - \$35.00

Law Enforcement Training Fund - \$12.00

Community Corrections Fee - \$10.00

Community Corrections Fund - \$25.00

Crime Victim Compensation Fund - \$50.00

Magistrate Court Fee - \$20.00

Court Reporter's Fee - \$30.00

Total - \$287.00

It is further ORDERED that in addition to the costs above set forth that the Defendant pay to the Clerk of this Court the sum of \$500.00 representing a portion of the court appointed counsel fees.

It is ORDERED that the Defendant not be required to make restitution in this case. Said costs and counsel fees and restitution are to be paid within two (2) years of the Defendant's release from prison.

The following shall be the priority of payment:

1. Court costs, if any are ordered to be paid.
2. Reimbursement to the State of West Virginia for court appointed counsel fees, if any are ordered to be paid.

Whereupon, the Defendant acknowledges to the Court that he has the financial ability to pay the costs and counsel fees as Ordered.

Whereupon, the Court finds that the Defendant has the financial ability to pay the costs and counsel fees as Ordered.

The Court further advised the Defendant that his failure to pay the costs and counsel fees as above set forth will result in the Defendant's loss of his license to drive.

The Defendant shall submit a sample of his blood for DNA analysis pursuant to West Virginia Code §15-2B-6(g). Said sample to be obtained by the West Virginia Division of Corrections and Rehabilitation if requested by the West Virginia State Police while the Defendant is on probation or incarcerated.

The Defendant acknowledged in open court that he has received a copy of the document that advises him of the right to appeal, the right to file a Motion for Reconsideration and or Reduction of Sentence and the right to court appointed counsel. A signed copy of this document is hereby ORDERED filed.

This order has been amended to correct Counts 1 and 2 of the Information.

CLERK OF WEST VIRGINIA
COUNTY OF ADAMS, WEST VA
I HEREBY HEREBY CERTIFY THAT THE ABOVE
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Celeste Ridgway
CLERK OF THE CIRCUIT COURT OF
ADAMS COUNTY, WEST VIRGINIA
BY: *[Signature]*

ENTER
[Signature]
JASON WHARTON, JUDGE