Isl Lors A. Dyer Orcalt Court Judge Ref Code 21B64J67 E-FILED 14/15/2021 11:15 AM CC-18-2019-F-124 Jackson County Circuit Clerk Brace DeWces

In the Circuit Court of Jackson County, West Virginia

State of West Virginia,) Plaintiff,)	
vs.)	Case No. CC-18-2019-F-124
TRACY RENEE PENNINGTON, Defendant	

Order - Sentencing

On this 22nd day of March, 2021, came the State by its Assistant Prosecuting Attorney, William E. Longwell, and the Defendant in person and by counsel, Roger Lambert, Stephen Frum, Probation Officer, as set for sentencing.

Whereupon, the Court did address counsel for the Defendant, and did thereby determine that the Defendant and her counsel did have an opportunity to participate in the pre-sentence investigation. The Court further determined that the parties did have an opportunity to read and discuss the pre-sentence investigation report, which was made available to the State and the Defendant pursuant to Rule 32(b) of the West Virginia Rules of Criminal Procedure. The State and the Defendant, by counsel, did then each have an opportunity to advise the Court of any corrections, additions, or objections to the pre-sentence investigation report. The Court did thereafter determine that there were no unresolved objections to said pre-sentence investigation report, and **ORDERED** the report filed, without objection.

The Court then afforded counsel for the Defendant the opportunity to speak on behalf of the Defendant. The Court addressed the Defendant personally, and permitted the Defendant to make a statement in her own behalf. The Defendant was further permitted an opportunity to present any additional information or to call witnesses in mitigation of punishment. The Court also heard from the State. Upon review of the pre-sentence investigation report and statements of the parties, and pursuant to Rule 11 of the West Virginia Rules of Criminal Procedure and Myers v. Frazier, 173 W.Va. 658, 319 S.E.2d 782 (1984), the Court does FIND that the Plea Agreement is consonant with the public interest in the fair administration of justice. Accordingly, the Court does hereby unconditionally APPROVE the Plea Agreement, and does unconditionally ADJUDGE the Defendant guilty of "Child Concealment", a felony offense as charged in Count 1 of the Indictment in 19-F-83.

Thereafter, the Court did proceed to pronounce the sentence of law against the Defendant, and nothing being offered or alleged in delay of judgment, the Court sentences the Defendant as follows:

- 1. For the offense of "Child Concealment", a felony offense as charged in Count 1 of the Indictment in 19-F-83, it is ORDERED that the Defendant be committed to the custody of the Commissioner of the Division of Corrections for confinement in the penitentiary for a period of not less than one year nor more than five years, therein to be safely kept and treated in all respects in accordance with the law.
- It is ORDERED that the Defendant be given credit for time served in connection with these offenses for any time spent in actual custody.
- 3. It is ORDERED that the imposition and execution of sentence be suspended and the Defendant be placed on probation for a period of four (4) years under the terms and condition of probation attached hereto.
 - 4. There was no restitution ordered in connection with this case.
 - 5. The Court did not order a fine to be paid in this case.
 - 6. The Court **ORDERED** the Defendant to pay the costs of this action.
- The Court ORDERED the Defendant to pay a monthly probation supervision fee in the amount of two dollars and fifty cents (\$2.50).

8. The Court **ORDERED** the Defendant to pay a monthly community corrections

fee in the amount of two dollars and fifty cents (\$2.50).

9. The Court ORDERED the remaining counts in the Indictment to be

DISMISSED WITH PREJUDICE.

The Court then advised the Defendant of her right to appeal, including the timeframe

under which the Defendant must file her appeal, and that the Defendant would have the right to

have her attorney re-appointed to represent him in such an appeal. The Court ORDERED the

Circuit Clerk to furnish the Defendant with a written statement of the Defendant's post-

conviction rights. The Defendant was further advised of her right to file a motion for

reconsideration of sentence.

The Defendant is ORDERED to report to the Probation Office, or to meet with her

Probation Officer, immediately upon the conclusion of this hearing.

The Clerk of this Court shall provide a certified copy of this order to: (1) William E.

Longwell, Assistant Prosecuting Attorney; and (2) Roger Lambert, Counsel for the Defendant.

All of which is accordingly **ORDERED**.

Prepared by:

/s/William E. Longwell

William E. Longwell (W.Va. Bar #12290)

Assistant Prosecuting Attorney

/s/ Lora A. Dyer

Circuit Court Judge

5th 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.