

IN THE CIRCUIT COURT OF RANDOLPH COUNTY, WEST VIRGINIA

FILED  
RANDOLPH COUNTY  
CIRCUIT COURT

2021 AUG -2 AM 11: 51  
CIRCUIT CLERK'S OFFICE

STATE OF WEST VIRGINIA,  
Plaintiff,

vs.

CIRCUIT COURT CASE NO.: 20-M-2  
Magistrate Court Case No.: 19-M42M-01720

WILLIAM TELL WILFONG,  
Defendant.

SENTENCING ORDER

ON THIS the 19<sup>th</sup> day of July, 2021, came the State of West Virginia and the Defendant in the above captioned case for sentencing in the Circuit Court.

1. Appearances:
  - a. The State of West Virginia by its Assistant Prosecuting Attorney, Leckta L. Poling.
  - b. The Defendant in person and by counsel, Morris C. Davis.
2. Issues Addressed:
  - a. Sentencing
  - b. Appeal to West Virginia Supreme Court DENIED
3. Underlying Conviction:

The Defendant was convicted pursuant to a Plea Agreement entered into on the 11<sup>th</sup> day of March, 2021, having entered a plea of Guilty to one count of “**Prohibited Person in Possession of a Firearm**” a misdemeanor, in violation of *W.Va. Code* §61-7-7(a)(3), as contained in Randolph County Circuit Court Case No. 20-M-2 and Magistrate Court Case No. 19-M42M-01720, pursuant to the Conviction Order entered by this Court.
4. Sentencing:

The Court ORDERED that the Defendant shall be and is hereby sentenced to confinement of one (1) year in the regional jail, for the offense of one count of “**Prohibited Person in Possession of a Firearm**” a misdemeanor, in violation of *W.Va. Code* §61-7-7(a)(3), as contained in Randolph County Circuit Court Case No. 20-M-2 and Magistrate Court Case No. 19-M42M-01720. The Court further ORDERED that said sentence shall be SUSPENDED for one (1) year of supervised probation.
5. Commitment:

The Defendant was directed to immediately report to the Randolph County Probation Office for further instructions regarding check in requirements.

6. Fines and Costs:

The Defendant was ORDERED to pay a fine of \$100.00. The Defendant was further assessed court costs and ordered to reimburse the State for the costs of his court appointed attorney.

7. Payment of Costs & Fines:

a. The Defendant was ORDERED to make payments on all amounts due, pursuant to this sentence and said payments were ORDERED to be applied at the discretion of the Clerk of the Court to each element in turn of the total sum due and payable by the Defendant.

b. The Clerk of this Court was directed to prepare an abstract of judgement in such amounts to the appropriate parties and the Clerk of the Randolph County Commission was directed to record that abstract of judgement in the Judgment Lien Index.

c. Payment due on all amounts paid was ORDERED to be paid in full by the Defendant before the completion of probation. In the event of any default, the Clerk was directed, in accordance with the procedures set forth in W. Va. Code §17B-3-3c, to report the same to the West Virginia Division of Motor Vehicles, and the defendant is advised that such default may result in the suspension of driving privileges.

8. Right to Appeal:

The Defendant was advised of his right to appeal the sentence of the Court to the West Virginia Supreme Court of Appeals. The Defendant was further advised that an attorney will be appointed to represent him in such appeal if he is unable to afford an attorney. Further, transcripts will be provided at no cost for the Defendant if he is unable to afford the same.

9. Dates:

- a. **Conviction Date:** **March 11, 2021**
- b. **Sentencing Date:** **July 19, 2021**

There appearing to be nothing further to be done in this matter, the Clerk of the Court was ORDERED to close this case, strike it from the active docket of the Court, and to send certified copies of this Order to Leckta L. Poling, Assistant Prosecuting Attorney; Morris C. Davis, counsel for the Defendant; and the Randolph County Probation Office.

ENTER ON THIS 2 DAY OF July, 2021.

ENTERED

AUG - 2 2021

David H. Wilmoth  
Circuit Court Judge

A TRUE COPY

ATTEST:

PHILIP D. RIGGLEMAN  
CLERK OF THE CIRCUIT COURT

BY:

PHILIP D. RIGGLEMAN, CLERK

*c: PA  
M. Davis  
Probation*