

IN THE CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA
STATE OF WEST VIRGINIA

VS:

INDICTMENT NOS. 18-F-19 & 18-F-20
JOHN W. HATCHER, JR., JUDGE

DEAN E. GAMBLE, SR.
DOB: 9/20/56

SENTENCING AND COMMITMENT ORDER

On the 15th day of May, 2018, came the State of West Virginia by Elizabeth K. Campbell, Assistant Prosecuting Attorney; the defendant, Dean E. Gamble, Sr., appearing in person and by his counsel, E. Scott Staton, Chief Deputy Public Defender; and the Probation Department of this Court appearing by Jerrod White, Chief Probation Officer, for the purpose of imposition of sentence and a hearing upon the defendant's application for probation heretofore made, pursuant to his conviction, by plea of guilty on March 26, 2018, to the felony offense of delivery of Suboxone, a Schedule III controlled substance, as charged in Count One of Indictment No. 18-F-19, the felony offense of delivery of Suboxone, a Schedule III controlled substance, as charged in Count Two of Indictment No. 18-F-19 and the felony offense of conspiracy to commit a felony, as charged in Count One of Indictment No. 18-F-20.

Whereupon, the Court reviewed the report prepared by the Probation Department and addressed the issue of additions or corrections to said report. Whereupon there were two corrections made to the Presentence Investigation Report. On page one, it should be corrected to reflect that the defendant plead guilty to Count One in Indictment No. 18-F-20, charging the felony offense of conspiracy to commit a felony, not Count Two as stated. The second correction is to page one, the defendant has a GED and not a high school diploma. Further, the defendant, by Counsel, objected to the March 4, 2013 parole revocation on page three of the Presentence Investigation Report.

The Court, thereupon, offered all parties, including the defendant, an opportunity to speak in open court prior to pronouncement of sentence. Thereupon, the defendant, counsel for the defendant and Counsel for the State addressed the Court.

Whereupon the Court, after giving all parties an opportunity to be heard, is of the opinion and therefore it is the **ORDER** and **JUDGMENT** of the Court that for the defendant's conviction of the felony offense of delivery of Suboxone, a Schedule III controlled substance, as charged in Count One of Indictment No. 18-F-19, the defendant be sentenced to the West Virginia Department of Corrections for an indeterminate period not less than two (2) nor more than ten (10) years. This sentence is enhanced due to defendant's prior drug conviction, pursuant to W. Va. Code §

60A-4-408.

It is the **ORDER** and **JUDGMENT** of the Court that for the defendant's conviction of the felony offense of delivery of Suboxone, a Schedule III controlled substance, as charged in Count Two of Indictment No. 18-F-19, the defendant be sentenced to the West Virginia Department of Corrections for an indeterminate period not less than two (2) nor more than ten (10) years. This sentence is enhanced due to defendant's prior drug conviction, pursuant to W. Va. Code § 60A-4-408.

Further, it is the **ORDER** and **JUDGMENT** of the Court that for the defendant's conviction of the felony offense of conspiracy to commit a felony, as charged in Count One of Indictment No. 18-F-20, the defendant be sentenced to the West Virginia Department of Corrections for an indeterminate period of not less than one (1) nor more than five (5) years.

It is further the **ORDER** and **JUDGMENT** of the Court that the aforementioned sentences be served consecutively.

The Court in acting upon the defendant's application for probation reviewed the presentence investigation report and took the following matters into consideration:

1. The defendant is sixty one (61) years old.
2. The defendant has received his GED.
3. The defendant has never been in the military.

4. The defendant is disabled.
5. The defendant is widowed with no dependants.
6. The defendant does not have a valid driver's license.
7. The defendant's criminal history consists of the following convictions:

West Virginia:

- a. 11/27/1987- DUI
- b. 01/25/1993 – Public Intoxication
- c. 02/09/1994 – Aiding/Abetting 1st degree sexual abuse
- d. 05/28/1997 – Driving SRO
- e. 04/06/1998 – False information to an officer
- f. 10/24/2000 – Attempt to commit forgery
- g. 01/26/2000 – Driving SRO (DUI) 2nd offense
- h. 06/14/2006 – Driving SRO (DUI)
- i. 05/29/2007 – Conspiracy to commit a felony
- j. 05/29/2007 – Delivery of a controlled substance (cocaine)
- k. 08/06/2007 – Failure to register as a sex offender
- l. 02/24/2015 – Failure to register as a sex offender

North Carolina:

- a. 07/14/1999 - Larceny (Misdemeanor) x 2
- b. 10/21/1999 – Worthless check
- c. 08/08/2002 – Breaking and Entering x 2
- d. 08/08/2002 – Felony larceny x 3

Illinois:

- a. 04/14/1976 – Armed robbery
 - b. 10/04/1983 – possession of marijuana
 - c. 07/21/1987 – damage to property
8. The defendant owes \$31,952.87 in unpaid fines and court costs.
 9. Based on the defendant's record, there is a substantial likelihood that

he would commit more crimes in the future.

The Court **FINDS** that to put the defendant on probation will unduly depreciate the seriousness of this offense. Based thereon, it is the **ORDER** and **JUDGMENT** of the Court that the defendant's application for probation should be and the same is hereby **DENIED**.

The effective date of this sentence shall be April 1, 2018, the defendant having forty-four (44) days credit for time served while awaiting disposition of this matter.

It is the **ORDER** and **JUDGMENT** that no court costs are assessed in this matter.

Whereupon, the Court explained to the defendant his right to appeal the Court's judgment to the Supreme Court of Appeals of West Virginia and gave him written notice of the same.

The defendant is hereby remanded to the custody of the Sheriff of Fayette County for further execution of this sentence.

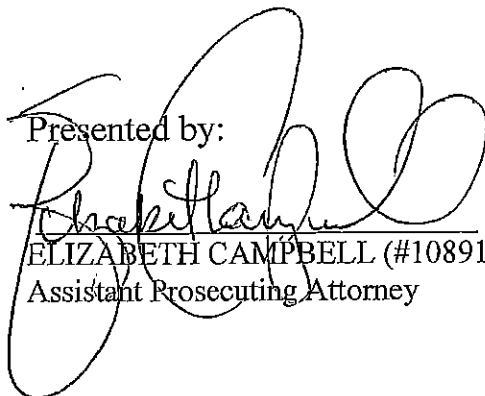
It is the **ORDER** and **JUDGMENT** of this Court that the Clerk of this Court shall complete the Court Disposition Reporting Form, DPS Form 29, and shall send the original of such form to the appropriate agency for recordation. The Clerk is further directed to forthwith send an attested copy of this Order via facsimile machine to Diann E. Skiles, Records Manager, West Virginia Division of Corrections, 304.558.8430 and shall forward certified copies of this Sentencing and

Commitment Order to Diann E. Skiles, Records Manager, West Virginia Division of Corrections, 1409 Greenbrier Street, Charleston, West Virginia 25311. The Clerk is further directed to forward attested copies of this Order to Elizabeth Campbell, Assistant Prosecuting Attorney, 108 East Maple Avenue, Fayetteville, West Virginia 25840; E. Scott Stanton, Chief Deputy Public Defender, 102 Fayette Avenue, Fayetteville, West Virginia 25840; Jerrod White, Probation Officer, 100 Court Street, Fayetteville, West Virginia 25840; Detective-Sergeant C. A. Young, Central West Virginia Drug Task Force, PO Box 974, Summersville, West Virginia 26651; Detective Corporal James R. Pack, Oak Hill Police Department, 691 Virginia Street, Oak Hill, West Virginia 25901 and Southern Regional Jail, via facsimile 304.256.6739.

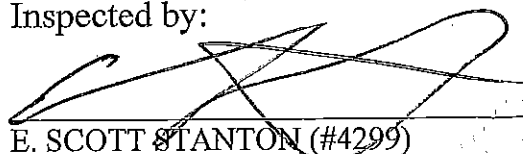
ENTERED this 29th day of May, 2018 JOHN W. HATCHER, JR.
JUDGE

JOHN W. HATCHER, JR., JUDGE

Presented by:


ELIZABETH CAMPBELL (#10891)
Assistant Prosecuting Attorney

Inspected by:


E. SCOTT STANTON (#4299)
Counsel for defendant

A TRUE COPY of an order entered

May 29, 2018

Teste: Cheryl L. Spruett

Circuit Clerk Fayette County, WV