

/s/ Anita Harold Ashley
Circuit Court Judge
Ref. Code: 19BDRTAT

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CC-44-2018-F-61
Roane County Circuit Clerk
Andrea Stockner

In the Circuit Court of Roane County, west Virginia

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Case No. CC-44-2018-F-61

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SENTENCING ORDER

On February 22, 2019, came the State of West Virginia through Joshua W. Downey, Prosecuting Attorney of Roane County, came also the Defendant in person and by Counsel Clinton Smith, also came Adult Probation Officer Alisha Lawson, all for receipt of pre-sentence investigation report, and final acceptance or rejection of the Defendant's guilty plea and sentencing.

Wherefore, the Court and all parties noted receipt of the pre-sentence investigation report prepared by Adult Probation Officer Alisha Lawson, bearing the date of February 12, 2019. The Court inquired as to whether any corrections needed to be made to the pre-sentence investigation report. The Court noted that no changes were offered by the Defendant and **ORDERS** said report.

Accordingly, upon the plea agreement of the guilty plea tendered to the Court on this date of January 4, 2019, it is the final judgment of the Court that the Defendant is **GUILTY** of the felony offense of, "Manufacturing a Controlled Substance, to wit: Marijuana," as charged in Count 1 of the indictment in this case.

The Court then proceeded with the sentencing phase in this matter. The Court then afforded counsel for the Defendant the opportunity to speak on behalf of the Defendant and addressed the Defendant personally and asked him if he wished to make a statement in his own behalf and/or to present any information in mitigation of punishment. The Defendant personally addressed the Court. Counsel for the Defendant did address the Court in aid of sentencing. The State, pursuant to the plea agreement in this matter, recommended probation.

The Court approves the plea agreement in this case.

Thereafter, the Court then demanded of the Defendant if anything he had or knew to say why the Court should not proceed to pronounce the sentence of the law against him.

The Court, with nothing being offered or alleged in delay of judgment, the Court sentences the Defendant as follows:

The Court **SUSPENDS** the imposition of sentence and **ORDERS** that the Defendant shall serve his sentence on probation for a period of Five (5) years, under the standard terms and conditions of probation, filed with the Circuit Clerk by the Roane County Probation Department.

The Court **ORDERS** that the Defendant shall abide by the following additional conditions of probation:

1. The Defendant shall remain in his drug treatment program.
2. The Defendant shall sign all the releases necessary for his supervising probation officer to be allowed access to his treatment records.
3. The Defendant shall pay a fine in the amount of Two Thousand Dollars (\$2,000.00).
4. The Defendant shall pay a monthly supervision fee of Two Dollars and Fifty Cents (\$2.50).
5. The Defendant shall pay a monthly community corrections fee of Two Dollars and Fifty Cents (\$2.50).

It was further **ORDERED** that the defendant, shall pay the mandatory costs assessed by the Circuit Clerk in this matter, and the State of West Virginia was granted a judgment for these costs as further and fully reflected upon the final

taxation of the costs prepared by the Circuit Clerk.

The Court **ORDERS** that the bond in this matter is released.

The Court **ORDERS** that all remaining charges in Roane County Circuit Court Case 18-F-61 are hereby **DISMISSED**.

The Court, on the record, advised the Defendant of his right to appeal.

The Defendant's counsel reviewed with the Defendant a Statement of post-conviction rights. The Defendant signed the post-conviction rights statement and it is thereby lodged in the file as evidence that the Defendant has been so advised of his post-conviction rights. The Court notes that the Defendant was personally present throughout all stages of proceedings.

The Court **ORDERS** that the Defendant shall meet with Adult Probation Officer Alisha Lawson to go over his terms and conditions of probation, before leaving the courthouse on this day.

Finally, the Court **ORDERS** that the Clerk of this Court shall provide an attested copy of this Order to: (1) Joshua W. Downey; (2) Clinton Smith: Attorney at Law -Mezzine Suite 4, 405 Capitol Street, Charleston, WV 25301; and (3) Alisha Lawson- Roane County Probation Office.

/s/ Anita Harold Ashley
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.