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IN THE CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA

FAYETTE COUNTY  
CIRCUIT CLERK

STATE OF WEST VIRGINIA

2021 MAR 18 P 12:16

VS:

INDICTMENT NOS. 20-F-11, 12, and 13  
PAUL M. BLAKE, JR., JUDGE

JUSTIN G. CONNER  
DOB: 10-31-1987

**\*AMENDED SENTENCING AND COMMITMENT ORDER**

On the 26<sup>th</sup> day of February 2021, came the State of West Virginia by Jennifer D. Crane, Assistant Prosecuting Attorney; the defendant, Justin G. Conner, and his counsel, James A. Adkins; and the Probation Department of this Court appearing by Marsha Miller, Probation Officer, all appearing via Teams audio/video, for the purpose of imposition of sentence pursuant to his conviction for Indictment No. 20-F-13, by plea of guilty on January 14, 2021, to the felony offense of intimidation of a state witness, as charged in Count Three of Indictment No. 20-F-13, the misdemeanor offense of domestic battery, as charged in Count Five of Indictment No. 20-F-13, and pursuant to his conviction by jury of the felony offenses of strangulation, as charged in Count One of Indictment No. 20-F-11; sexual assault in the third degree, as charged in Count Two of Indictment No. 20-F-11; burglary, as charged in Count Two of Indictment No. 20-F-12; and to the misdemeanor offenses of domestic battery, as charged in Counts Five, Seven, and Nine of Indictment No. 20-F-11 and Counts Three and Four of Indictment No. 20-F-12; domestic assault, as charged in Counts Six, Eight, and Ten of Indictment No. 20-F-11; and violation of protective order, as charged in Count Eleven of Indictment No. 20-F-11 on October 23, 2020.

Whereupon, the Court reviewed the report prepared by the Probation Department and addressed the issue of additions or corrections to said 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,

<sup>1</sup>  
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as well as the State, addressed the Court. The victim did not provide a victim's impact statement.

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 strangulation, as charged in Count One of Indictment No. 20-F-11, the defendant be sentenced to the penitentiary for not less than one (1) year nor more than five (5) years and fined five-hundred-dollars (\$500.00).

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 sexual assault in the third degree, as charged in Count Two of Indictment No. 20-F-11, the defendant be sentenced to the penitentiary for not less than one (1) year nor more than five (5) years and fined one-thousand-dollars (\$1,000.00).

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 intimidation of a state witness, as charged in Count Three of Indictment No. 20-F-13, the defendant be sentenced to the penitentiary for not less than one (1) year nor more than ten (10) years and fined one-thousand-dollars (\$1,000.00).

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 burglary, as charged in Count Two of Indictment No. 20-F-12, the defendant be sentenced to the penitentiary for not less than one (1) year nor more than fifteen (15) years.

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 misdemeanor offense of domestic battery, as charged in Count Five of Indictment No. 20-F-11, the defendant be confined in jail for twelve (12) months and fined five-hundred-dollars (\$500.00).

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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 misdemeanor offense of domestic assault, as charged in Count Six of Indictment No. 20-F-11, the defendant be confined in jail for six (6) months and fined one-hundred-dollars (\$100.00).

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 misdemeanor offense of domestic battery, as charged in Count Seven of Indictment No. 20-F-11, the defendant be confined in jail for twelve (12) months and fined five-hundred-dollars (\$500.00).

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 misdemeanor offense of domestic assault, as charged in Count Eight of Indictment No. 20-F-11, the defendant be confined in jail six (6) months and fined one-hundred-dollars (\$100.00).

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 misdemeanor offense of domestic battery, as charged in Count Nine of Indictment No. 20-F-11, the defendant be confined in jail for twelve (12) months and fined five-hundred-dollars (\$500.00).

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 misdemeanor offense of domestic assault, as charged in Count Ten of Indictment No. 20-F-11, the defendant be confined in jail for six (6) months and fined one-hundred-dollars (\$100.00).

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 misdemeanor offense of violation of domestic violence petition, as charged in Count Eleven of Indictment No. 20-F-11, the defendant be confined in jail for one (1) year and fined one-hundred-dollars (\$100.00).

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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 misdemeanor offense of domestic battery, as charged in Count Three of Indictment No. 20-F-12, the defendant be confined in jail for twelve (12) months and fined five-hundred-dollars (\$500.00).

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 misdemeanor offense of domestic battery, as charged in Count Four of Indictment No. 20-F-12, the defendant be confined in jail twelve (12) months and fined five-hundred-dollars (\$500.00).

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 misdemeanor offense of domestic battery, as charged in Count Five of Indictment No. 20-F-13, the defendant be confined in jail for twelve (12) months and fined five-hundred-dollars (\$500.00).

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 thirty-three (33) years old.
2. This case has been pending for well over a year.
3. The incidents occurred while the defendant was abusing drugs.
4. The defendant has experienced tragedy in his life, that effects his mental make-up.
5. The Court finds it was fortunate that no one was killed during these incidents.
6. The defendant acknowledged that he has problems he needs to correct.
7. There was a child in the home when some of these incidents occurred.
8. The victim was no angel, but nothing she did justified his abuse of her.
9. One party should have left the relationship between the defendant and the victim long before it got to this point.
10. The defendant entered a plea to resolve Indictments 20-F-13 and 20-F-14.

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11. The defendant has been on home confinement before.
12. The defendant does not have any prior felony convictions.
13. The defendant has earned his GED after dropping out of school.
14. The defendant has outstanding unpaid fines.
15. The defendant has no assets or income.
16. The defendant and the victim cohabited, and they were not married.
17. The Sex Offender Evaluation rates the defendant as a moderate risk for sexual recidivism and high risk for general recidivism. The defendant has antisocial personality features.
18. To place this defendant on probation would unduly depreciate the seriousness of this matter.

Based thereon, the Court hereby DENIES the defendant's application for probation or alternate sentence.

Whereupon, it is hereby ORDERED that Counts One and Two of Indictment No. 20-F-11, Count Two of Indictment No. 20-F-12, and Count Three of Indictment No. 20-F-13 of the aforementioned sentences shall be served consecutively with each other.

Whereupon, it is hereby ORDERED that Counts Five, Six, Seven, Eight, Nine, Ten, and Eleven of Indictment No. 20-F-11, Counts Three and Four of Indictment No. 20-F-12, and Count Five of Indictment No. 20-F-13 of the aforementioned sentences shall be served concurrently with each other and concurrently with Count Two of Indictment No. 20-F-12.

Whereupon, it is hereby ORDERED the effective date of this sentence shall be August 22, 2019, the defendant being credited for five-hundred and fifty-four (554) days served while awaiting disposition in this matter.

Whereupon, upon completion of his sentences, the defendant shall be placed on supervised release for twenty (20) years, pursuant to W. Va. Code § 62-12-26(a).

All court costs, fines, and fees shall be paid within twenty-four (24) months of the defendant's release from confinement.

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Whereupon, the Court explained to the defendant his right to appeal the Court's judgment to the Supreme Court of Appeals of West Virginia.

Whereupon, Counsel for the defendant moved the Court to be relieved as counsel in this matter.

Based thereon, the Court will relieve counsel for the defendant and if the defendant files a Notice of Appeal, the Court will appoint appellate counsel.

The defendant is hereby remanded to the custody of the Department of Corrections for further execution of this sentence.

It is further 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 Margaret Chico-Eddy, Records Manager, West Virginia Division of Corrections, 304.558.8430; and shall forward certified copies of this Sentencing and Commitment Order to the West Virginia Division of Corrections, 1409 Greenbrier Street, Charleston, WV 25311. The Clerk is further directed to forward attested copies of this Order to Jennifer D. Crane, Chief Assistant Prosecuting Attorney, 108 East Maple Avenue, Fayetteville, West Virginia 25840; James A. Adkins, 102 Fayette Avenue, Fayetteville, West Virginia 25840; Marsha Miller, Probation Officer, 100 Court Street, Fayetteville, West Virginia 25840; and Charity Baker, 60 Elijah Lane, Oak Hill, WV 25901.

ENTERED March 18, 2021

  
PAUL M. BLAKE, JR., JUDGE

Attested Copies to:  
DC <sup>by fax</sup> / MM  
DM / CB  
JC / AR <sup>x2</sup>  
JA /           
Date: 3-18-2021  
Initials: SM

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