

**IN THE CIRCUIT COURT OF MARSHALL COUNTY, WEST VIRGINIA**  
**STATE OF WEST VIRGINIA,**

**Plaintiff,**

**vs.**

**FELONY CASE NO. 21-F-4**  
**JUDGE JEFFREY D. CRAMER**

**ALEXANDER PAUL DELORENZO,**

**Defendant.**

**SENTENCING ORDER**

On May 5, 2021, the State appeared by Andrea C. Poling, Assistant Prosecuting Attorney and the Defendant appeared in person and with counsel, William Galloway, Esq., Judge Jeffrey D. Cramer presiding.

The Defendant was transported to this Honorable Court by the authorities of the West Virginia Division of Corrections and Rehabilitation.

Wherein this matter came on for Defendant's Post-Trial Motions as well as the Sentencing Phase of this matter.

WHEREUPON, the Court noted it received the Pre-Sentence Investigation Report authored by Bryan Hostetler, Adult Probation Officer.

Upon inquiry by the Court, Mr. Galloway represented he received and reviewed the report and noted the report had numerous typos and grammatical errors along with a few minor corrections, to wit: on Page 13, Sentencing Option #1 conviction code (WV Code § 62-12-7a) is incorrect. The credit time on the date the Defendant met with the Probation Officer is incorrect. In addition, on page 9 of the report the Defendant's criminal attitude

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response was not accurate. At which time the Court advised it would give counsel an opportunity to provide argument.

Upon inquiry by the Court, Ms. Poling stated it is her belief the Report is accurate and no corrections are necessary.

THEREFORE, the Court filed the Pre-Sentence Investigation Report, with notations, said Report was made a part of the record herein, as authored by Mr. Hostetler, the Probation Officer.

Upon inquiry by the Court, Mr. Galloway called his first witness, namely Dr. Michael Joseph Marshall.

At which time, Dr. Marshall was sworn by the Clerk and provided testimony and cross examination to the Court.

The Defendant through Dr. Marshall entered into the Court file Exhibit 1, to wit; Dr. Marshall curriculum vitae.

The Defendant then entered into the Court file Exhibit 2, to wit: Psychological report authored by Dr. Marshall.

The Defendant then entered into the Court file Exhibit 3, to wit: Treatment Recommendation Plan authored by Dr. Marshall dated 5-5-2021. Said documents were admitted into the Court's record.

At which time the Court took a brief recess.

The Court back on the record.

The Court addressed the Defendant's Motion for Judgement of Acquittal and New Trial. At which time, counsel for the defendant and the State made

brief oral arguments.

The Court, **DENIED** the defendant's Motion for Judgment of Acquittal and New Trial.

The Court **INSTRUCTED** the defendant that the Court's Ruling is subject to appeal.

The Court then proceeded to the Sentencing Phase of the hearing

Upon inquiry by the Court, Ms. Poling provided brief oral argument before the Court as to sentencing. She recommended the defendant be sentenced to the underlying sentence of not less than five (5) nor more than fifteen (15) years in the West Virginia Division of Corrections and Rehabilitation.

Upon inquiry by the Court, Mr. Galloway, as Counsel for the defendant, provided a brief oral argument before the Court as to the sentencing of the defendant. In conclusion, Counsel moved for the Court to consider the defendant be placed on probation, with the treatment recommendation of Dr. Marshall.

Following counsels oral arguments the Defendant then delivered a statement to the Court.

THEREFORE, the Court after hearing the oral arguments of Counsel, the statements on behalf of the defendant, the statement from the defendant, and upon review and examination of the Pre-Sentence Investigation Report, it is the **JUDGMENT AND ORDER** of this Court, the defendant, Alexander Paul

Delorenzo be sentenced to the custody of the Division of Corrections for a period of **not less than five (5) nor more than fifteen (15) years, with credit for any time served**, as to the felony offense of "**Distribution and Exhibiting of Material Depicting minors Engaged in Sexually Explicit Conduct**", as charged in the Indictment in Marshall County Felony Case Number **21-F-4**.

Further it is **ORDERED** the defendant upon release from incarceration shall be placed on **Twenty (20) years of Extended Supervised Release**.

In addition, it is **ORDERED**, that within three (3) business days of his release from the West Virginia Department of Corrections the defendant must register as a Sex Offender pursuant to the West Virginia Sex Offender Registration Act, W. Va. Code § 15-12-2(b)(5). Pursuant to said Act, the defendant will be **required to register for the remainder of his lifetime**.

The Court **ADVISED** it would entertain a timely filed Rule 35 Modification of Sentence. The Court **INSTRUCTED** Mr. Galloway to include in the Defendant's Motion for Modification of Sentence to include the Treatment Plan for the Defendant from Dr. Marshall/Dr. Kessinger.

**OBJECTIONS AND EXCEPTIONS ARE NOTED AND PRESERVED ON BEHALF OF THE DEFENDANT.**

THEREFORE, the Court **REMANDED** the defendant **FORTHWITH** to the West Virginia Division of Corrections and Rehabilitation to be **TRANSFERRED**

**FORTHWITH** to the Commissioner of Corrections as to the sentence imposed by the Court.

The Clerk of this Court is **DIRECTED** to complete the appropriate commitment form as follows and forward the same to the Commissioner of Corrections:

**CONVICTION DATE:** **3-12-2021 (Jury Trial)**

**SENTENCE DATE:** **5-5-2021**

**CREDIT FOR TIME SERVED:** **57 days**

**EFFECTIVE SENTENCE DATE:** **3-9-2021**

It is the further **ORDER** of the Court the Defendant pay the cost of prosecution in this case, including Court Appointed Counsel Fees.

Further, the Court advised the defendant as to his right to appeal the sentence in this proceeding as well as his right to Counsel.

It is FURTHER ORDERED pursuant to W.VA. Code § 62-4-17, the defendant shall pay all costs, fines, forfeitures, penalties and restitution as applicable within 180 days of the entry of this Order, unless the defendant is incarcerated. If the defendant is unable to do so, defendant shall apply to the Circuit Clerk within 180 days of the entry of this Order or within 180 days of the defendant's release from incarceration for a payment plan. Otherwise, statutory late fee(s) and recordation of a judgement lien against defendant may attach.

The Defendant understands the offense of Distribution and Exhibiting of Material Depicting Minors Engaged in Sexually Explicit Conduct is a crime punishable by more than one year in prison and as a result of his conviction for this offense he will be prohibited from possessing a firearm.

A copy of this Order is to be provided to Counsels of record, William Galloway, Counsel for the Defendant; and the Adult Probation Officer of this Court; the West Virginia Division of Corrections and Rehabilitation; the Commissioner of Corrections; and the Marshall County Prosecuting Attorney.

ENTERED this 2<sup>nd</sup> day of May 2021.

  
**JEFFREY D. CRAMER JUDGE**