



West Virginia E-Filing Notice

CC-28-2022-F-169

Judge: William Sadler

To: Ruperto Yongque Dumapit
rdumapit@kksblaw.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA
State of West Virginia v. DELIEZHA DAVONTE GRAVELY
CC-28-2022-F-169

The following order - case was FILED on 11/18/2022 11:50:56 AM

Notice Date: 11/18/2022 11:50:56 AM

Julie Ball
CLERK OF THE CIRCUIT COURT
Mercer County
1501 W. Main Street, Suite 111
PRINCETON, WV 24740

(304) 487-8371
Julie.Ball@courtsww.gov

In the Circuit Court of Mercer County, West Virginia

State of West Virginia,
Plaintiff,

v.

Case No. CC-28-2022-F-169
Judge William Sadler

DELIEZHA DAVONTE GRAVELY,
Defendant

ORDER

On November 4, 2022, this matter comes on for a hearing regarding post-trial motions/disposition. There appearing in Court are the State of West Virginia by Lauren A. Lynch, her Assistant Prosecuting Attorney; Greg Arnold of the Adult Probation Office; Deliezha Davonte Gravely (hereinafter the "Defendant") being led to the bar of the Court in the custody of the Sheriff, and by counsel, Ruperto Dumapit.

The Defendant, by counsel renews his Motion for Judgment of Acquittal Notwithstanding the Verdict or New Trial, and the Court **DENIES** the same.

After due consideration, the Court **FINDS** there is sufficient evidence for the jury to consider and further that the underlying offense is a crime of violence. Furthermore, the Court defers sentencing, in the case number 22-F-169, until after the trial in the Habitual Offender Information number 22-F-186 which is scheduled for **December 15, 2022 at 9:00 a.m.** Additionally, the Court schedules a pretrial/motions hearing for **November 28, 2022 at 11:00 a.m.**

And the Defendant is remanded to the Southern Regional Jail.

The Clerk shall forward a copy of this Order to counsel for the Defendant, the Adult Probation Department and Southern Regional Jail.

Dated this 18th day of November, 2022.

/s/ William J. Sadler
Circuit Court Judge
9th Judicial Circuit

Prepared By:

/s/Lauren A. Lynch
Lauren A. Lynch
Assistant Prosecuting Attorney
WV Bar ID #13512

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.



West Virginia E-Filing Notice

CC-28-2022-F-169

Judge: William Sadler

To: Ruperto Yongque Dumapit
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NOTICE OF FILING

IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA
State of West Virginia v. DELIEZHA DAVONTE GRAVELY
CC-28-2022-F-169

The following order - case was FILED on 3/19/2023 7:40:41 AM

Notice Date: 3/19/2023 7:40:41 AM

Julie Ball
CLERK OF THE CIRCUIT COURT
Mercer County
1501 W. Main Street, Suite 111
PRINCETON, WV 24740

(304) 487-8371
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IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

VS.

CASE NOS. 22-F-169-WS
22-F-186-WS

DELIEZHA DAVONTE GRAVELY.

FINAL ORDER

On March 6, 2023, these matters come on for a decision conference/sentencing. There appearing in Court are the State of West Virginia by Lauren A. Lynch and David A. Pfeifer, her Assistant Prosecuting Attorney; Deliezha Davonte Gravelly (hereinafter the "Defendant") being led to the bar of the Court in the custody of the Sheriff; counsel for the Defendant, Ruperto Dumapit and Paul Cassell; and Greg Arnold of the Adult Probation Office.

Upon consideration of the matters presented and argument of counsel, this Court **FINDS** the Defendant's previous conviction of "Fleeing from an Officer while Driving Under the Influence" is a **not** a qualifying offense for recidivism. The Court further **FINDS** this offense is not listed in the W. Va. Code §61-11-18, and the Court notes the objections of the State.

The Court proceeds with sentencing, and the Defendant's pastor addresses the Court.

The Court **FINDS** probation would denigrate the seriousness of the offense.

Thereupon, the Court **FINDS** that the Defendant is not a fit and proper person for probation for the following reasons: (1) the Defendant would not be substantially likely to complete probation; (2) there is a substantial risk that the Defendant will commit another crime during any period of alternative sentencing; (3) alternative sentencing would unduly depreciate the seriousness of the Defendant's crime; (4) the public good would not be served by granting the Defendant an alternative sentence; and (5) the public good would be served by the Court imposing a sentence of actual incarceration.

Whereupon, the Court inquired of the Defendant if he had anything to say for himself as to why the Court should not immediately pronounce judgment against him, and nothing being offered or alleged in delay of judgment, it is the **ORDER** and **DECREE** of this Court that the Defendant be taken from the bar of this Court to the

Division of Corrections of this State for the determinate term of **five (5) years** as provided by law for the offense of “**Unlawful Possession of a Firearm by a Prohibited Person**” as the State charged in **Count 1** of its Indictment and by a jury he hath been found guilty; for the determinate term of **three (3) years** as provided by law for the offense of “**Concealed Possession of a Firearm by a Prohibited Person**” as the State charged in **Count 2** of its Indictment and by a jury he hath been found guilty; that the aforementioned sentence shall run consecutive with one another. The Court further sentences the Defendant to the determinate term of **six (6) months** as provided by law for the offense of “**Driving Revoked for DUI**” as the State charged in **Count 3** of its Indictment and by a jury he hath been found guilty; that this sentence run concurrent with Count 1 and Count 2; that the Defendant be given **three hundred and three (303)** days credit on said sentence, this being the time he has been confined on said charge; and that he be dealt with in accordance with the rules and regulations of that institution and the laws of the State of West Virginia.

The Defendant, by counsel renews his Motion for Judgment of Acquittal or Mistrial and his Motion for Arrest of Judgment, and the Court **DENIES** said motions.

The Court further adjudicates Defendant as a second time habitual criminal offender as contained in Habitual Offender Information No. 22-F-186 herein hath alleged and by a jury he hath been found guilty; therefore, it is the **ORDER** and **DECREE** of this Court that the Defendant’s sentence herein imposed **be enhanced by five (5) years**, at the end of eight (8) years of incarceration, pursuant to his conviction as a second time habitual offender as the State in its Habitual Offender Information No 22-F-186 herein hath alleged and by a jury he hath been found guilty.

It is the further **ORDER** of this Court that the Defendant be assessed all Court costs which shall be paid within one year of his release from the Division of Corrections.

Additionally, it is the **ORDER** and **DECREE** of this Court that the Defendant be remanded to the custody of the Division of Corrections.

The Defendant was provided with his post-conviction rights.

The Clerk of the Court was directed to send a copy of the Order to counsel for the Defendant, the Probation Department and the Division of Corrections.

Dated this 19th day of March, 2023.

/s/ William J. Sadler
Circuit Court Judge
9th Judicial Circuit

Prepared By:

/s/Lauren A. Lynch

Lauren A. Lynch

Assistant Prosecuting Attorney

WV Bar ID #13512

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.

In the Circuit Court of Mercer County, West Virginia

State of West Virginia,
Plaintiff,

v.

Case No. CC-28-2022-F-169
Judge William Sadler

DELIEZHA DAVONTE GRAVELY,
Defendant

ORDER

On September 13, 2022, this matter comes on for a trial. There appearing in Court are the State of West Virginia by Lauren A. Lynch and David A. Pfeifer, her Assistant Prosecuting Attorneys; Deliezha Davonte Gravelly (hereinafter the "Defendant") being led to the bar of the Court in the custody of the Sheriff, and by counsel, Ruperto Dumapit.

Outside the presence of the jury, the Court addresses the issue of the State's Judicial Notice. The Court **FINDS** that the charge of Conspiracy to Commit Robbery first degree is a crime of violence against another as a matter of law. The State then dismisses Count 5 of the Indictment wherein the Defendant is charged with Simple Possession of a Schedule I Controlled Substance, To-Wit: Marijuana.

Thereupon, the Defendant, for plea, says he is not guilty in manner and form of the charges as contained in the Indictment against him herein hath alleged, and of this, he puts himself upon the County, and the State does the same.

The petit jury regularly drawn for this Term of the Court being called, there are placed in the box twenty jurors, who, upon examination by the Court are found to be legal, qualified jurors, free from exception. Thereupon, the State strikes two jurors and the Defendant strikes six jurors, leaving in the box twelve legal, qualified jurors, free from exception for the trial of this case. Then came said jury of twelve, to-wit: Alfred Cocus, Jarrod Odell, Cathy Combs, Sharon Coburn, Paul Poole, Ray Gerwig, Sara Grose, James Harvey, Ashley Hackney, Logan Browning, Tony Markland and Amber Dunford, who are selected, impaneled, tried, and sworn in the manner prescribed by law; and the Court directs that jurors, in addition to the regular jury previously impaneled, be called; and the said additional jurors having the same qualifications

being then called and being subjected to the same examination and challenges as the twelve jurors previously impaneled for the trial of this case, the State strikes from said list of additional jurors and the Defendant strikes jurors, leaving one of the said additional jurors to act as alternate jurors to sit in the trial of this case, to-wit: George Walker, who was given the same oath as the twelve regular jurors previously sworn to try this case.

Whereupon, the jury listened to the opening statements made by counsel for the State and defense.

The State calls the following witnesses:

1. Patrolman D. L. Bishop
2. Patrolman C. A. Matthews
3. Cammie Hogan

The State rests.

The Defendant is advised of his right to testify and his right to remain silent.

The Defendant, by counsel, moves for judgment of acquittal. The Court hereby **DENIES** said motion.

The Defense has no witnesses, and the Defense rests.

The Court reads the charge to the jury.

The jury receives their instructions by the Court. Upon having heard the closing arguments by counsel, the jury retires to the jury room to consider their verdict.

Sometime thereafter, the jury returns with the following verdict:

- Count 1: Guilty of Unlawful Possession of a Firearm by a Prohibited Person
- Count 2: Guilty of Concealed Possession of a Firearm by a Prohibited Person
- Count 3: Guilty of Driving Revoked for DUI
- Count 4: Guilty of Speeding

The Defense polls the jury.

The Defendant, by counsel, moves the Court for Judgment of Acquittal Not Withstanding the Verdict and a new trial, and the Court takes said motions under advisement.

After due consideration, it is the **ORDER** and **DECREE** of this Court that this matter is referred to the probation department of this County and Court for a pre-sentence investigation and scheduled for a motions/disposition hearing on **November 7, 2022 at 10:30 a.m.**

And the Defendant is remanded to the Southern Regional Jail.

The Clerk shall forward a copy of this Order to counsel for the Defendant and the Adult Probation Department.

Dated this 4th day of November, 2022.

/s/ William J. Sadler

Circuit Court Judge

9th Judicial Circuit

Prepared By:

/s/Lauren A. Lynch

Lauren A. Lynch

Assistant Prosecuting Attorney

WV Bar ID #13512

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West Virginia E-Filing Notice

CC-28-2022-F-186

Judge: William Sadler

To: Ruperto Yongque Dumapit
rdumapit@kksblaw.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA
State of West Virginia v. DELIEZHA DEVONTE GRAVELY
CC-28-2022-F-186

The following order - case was FILED on 1/5/2023 2:56:58 PM

Notice Date: 1/5/2023 2:56:58 PM

Julie Ball
CLERK OF THE CIRCUIT COURT
Mercer County
1501 W. Main Street, Suite 111
PRINCETON, WV 24740

(304) 487-8371
Julie.Ball@courtsww.gov

In the Circuit Court of Mercer County, West Virginia

State of West Virginia,
Plaintiff,

v.

Case No. CC-28-2022-F-186
Judge William Sadler

DELIEZHA DEVONTE GRAVELY,
Defendant

ORDER

On December 15, 2022, this matter comes on for a Trial. There appearing in Court are the State of West Virginia by Lauren A. Lynch and David A. Pfeifer, her Assistant Prosecuting Attorneys; Deliezha Davonte Gravelly (hereinafter the "Defendant") being led to the bar of the Court in the custody of the Sheriff; and counsel for the Defendant, Ruperto Dumapit.

The Court **FINDS** that the Defendant remains silent as to the allegations contained in the Habitual Offender Information Petition, and of this, he puts himself upon the County, and the State does the same.

The Defendant, by counsel, moves the Court to dismiss this matter based upon the State's late disclosure of witnesses and to prevent witnesses from testifying based on improper identification procedures, and the State opposes said motion.

Whereupon, the Court **DENIES** Defendant's motion and offers to continue this matter. The Defendant, by counsel, advises that he is ready to proceed to trial, and the Court hereby **ORDERS** an in-camera hearing for the State's ID witnesses prior to the witnesses testifying pursuant to State v. Vance.

The petit jury regularly drawn for this Term of the Court being called, there are placed in the box twenty jurors, who, upon examination by the Court are found to be legal, qualified jurors, free from exception. Thereupon, the State strikes two jurors and the Defendant strikes six jurors, leaving in the box twelve legal, qualified jurors, free from exception for the trial of this case. Then came said jury of twelve, to-wit: Crystal Graham, Melissa Glover, Sabrina Workman, Vicki Morello, Brandi Coeburn, Sherry Lilly, Sherry Shrader, Deshawn Lumpkins, Ashley Neel, Kimberly Mullens, Ashanti Walton and Diana Shrewsbury, who are selected, impaneled, tried, and sworn in the manner

prescribed by law; and the Court directs that jurors, in addition to the regular jury previously impaneled, be called; and the said additional jurors having the same qualifications being then called and being subjected to the same examination and challenges as the twelve jurors previously impaneled for the trial of this case, the State strikes from said list of additional jurors and the Defendant strikes jurors, leaving one of the said additional jurors to act as an alternate juror to sit in the trial of this case, to-wit: Diana Belcher, who was given the same oath as the twelve regular jurors previously sworn to try this case.

The Court conducts an in-camera hearing regarding identification, outside of the presence of the jury, with Detective M. S. Horn. The Court does not find that the identification by this witness is overly suggestive. Thereafter, the Court conducts an in-camera hearing, on identification, with Parole Officer Jill A. Bryant. The Court does not find that the identification by this witness is overly suggestive.

The jury reconvenes.

Whereupon, the jury listened to the opening statements made by counsel for the State and defense.

The State calls Corporal M. S. Horn, Jill A. Bryant, Robin Lewis and Dawn Stump.

The State rests.

The Defendant, by counsel moves the Court for Judgment of Acquittal Notwithstanding the Verdict and further moves the Court to dismiss this matter. The State opposes said motions, and the Court **DENIES** counsel's Motion for Judgment of Acquittal Notwithstanding the Verdict and Motion to Dismiss.

The Defendant is advised of his right to testify and his right to remain silent.

The Defense has no witnesses, and the Defense rests.

The Court reads the charge to the jury.

The jury receives their instructions by the Court. Upon having heard the closing arguments by counsel, the jury retires to the jury room to consider their verdict.

The Defendant, by counsel, renews his Motion for Judgment of Acquittal Notwithstanding the Verdict and his Motion to Dismiss. The Court hereby adopts the previous findings and makes the same ruling **DENYING** said motion.

Whereupon, the jury notifies the Court they are hung on Part 3 of the Verdict Form, and the Court provides the jury with Allen instructions.

Sometime thereafter, the jury returns with the following verdict:

- Part 1: Yes, the Defendant in this case is the same person previously convicted of "Conspiracy to Commit Robbery-First Degree"
- Part 2: Yes, the Defendant in this case is the same person previously convicted of "Fleeing from an Officer while Driving Under the Influence"
- Part 3: Yes, the Defendant in this case is the same person previously convicted of "Possession with Intent to Deliver a Schedule I Controlled Substance, To-Wit: Marijuana".

The Defense polls the jury, and one juror indicates this is not his verdict. The Court then returns the jury back to the jury room to continue deliberations. Thereafter, the Court is notified that the jury cannot reach a verdict on one Count. The Court informs the jury to return a verdict on what has been decided unanimously and to leave the charge or charges they haven't unanimously decided on blank.

After continued deliberations, the jury returns votes of "Yes" on Parts 1 and 2 but Part 3 is left blank due to the inability of the jury to render a unanimous verdict. The Defense polls the jury, and all jurors inform the Court this is their verdict.

The Defendant, by counsel, moves the Court for Judgment of Acquittal Not Withstanding the Verdict and a new trial, and the Court takes said motions under advisement.

After due consideration, it is the **ORDER** and **DECREE** of this Court that co-counsel be appointed for the Defendant. The Court schedules this matter for a motions/disposition hearing on **January 30, 2023 at 2:30 p.m.**

The Clerk shall forward a copy of this Order to counsel for the Defendant, the Adult Probation Department and Southern Regional Jail.

/s/ William J. Sadler
Circuit Court Judge
9th Judicial Circuit

Prepared By:

/s/Lauren A. Lynch
Lauren A. Lynch
Assistant Prosecuting Attorney
WV Bar ID #13512

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