

**In the Circuit Court of Jefferson County, West Virginia**

**State of West Virginia,**  
Plaintiff,

v.

Case No. CC-19-2022-F-11  
Judge Debra McLaughlin

**WILLIE EDWARD BELMONTE, JR.,**  
Defendant

**ORDER OF RESTITUTION**

On this the 11<sup>th</sup> day of September, 2023, the Court grants the State's amended request for restitution and ORDERS Defendant to pay a total of **\$11,006.84 in restitution**. \$2,089.30 of this restitution is awarded to L ■ I ■ the remaining \$8,917.54 is awarded to the Crime Victim Compensation Fund, Claim CV-21-0428-Z. The State has proven its claims by a preponderance of evidence.

The Court makes the following findings of fact and conclusions of law in support of its decision.

1. On January 19, 2022, Defendant was indicted for 13 counts of Sexual Abuse by a Custodian or a Person in a Position of Trust, 2 counts of Soliciting a Minor via a Computer, 4 counts of Soliciting a Minor Via a Computer and Engaging in an Overt Act, 1 count of Use of a Minor in Filming Sexually Explicit Conduct, 1 count of Possession of Child Pornography, and 8 counts of Use of Obscene Matter with Intent to Seduce a Minor. The victim in all counts was a minor female, L.B.
2. Based upon the development of facts in this case and Defendant's eventual plea, the Defendant committed some of these acts inside the high school where he was a teacher and the victim was a student.
3. On October 24, 2022, Defendant entered into a 10 page plea agreement with the State

where he would plead guilty to 13 felony counts from the Indictment. Sentencing would be in the discretion of the Court.

4. On November 1, 2022, Defendant was convicted of 8 counts of Sexual Abuse by a Person in a Position of Trust, 3 counts of Use of Obscene Matter with Intent to Seduce a Minor, and 2 counts of Solicitation of a Minor via a Computer and Engaging in an Overt Act.
5. A presentence investigation and supplemental report was completed and distributed prior to sentencing.
6. Within that presentence investigation was a request for restitution by L. ■■■ on behalf of she and her husband, the parents of L.B. The report included a breakdown of restitution in a table.
7. On January 4, 2023, the parties appeared for sentencing. Defendant was sentenced to a state correctional facility for a total of 23.5 years to 75 years.
8. Near conclusion of the sentencing hearing, the Court inquired whether Defendant agreed to the restitution requested in the pre-sentence investigation report. Defendant requested more time to consider the request. The Defendant's request to continue the issue was granted. The Court requested the parties try to reach an agreement. If the parties could not reach an agreement, the Court would conduct a restitution hearing.
9. On March 14, 2023, the State requested a restitution hearing outlining the restitution requested. The Court scheduled a restitution hearing for April 20, 2023. At that hearing Defendant moved for a continuance because the Court appointed new counsel.
10. On June 12, 2023, a restitution hearing was held. The State called L. ■■■, the mother of the victim to testify. The State submitted three exhibits which were entered. Ms. ■■■ was subject to cross examination.

11. Ms. I [REDACTED] testified that she and her husband have a residential contracting service and her days start around 7:00 A.M. and usually last until about 4:00 P.M. She advised she goes on the job site with her husband. Ms. I [REDACTED] testified that because of the nature of the family business a personal appointment during business hours takes about 4 hours out of her day. This is because she has to travel from a worksite to home, shower, dress, and then travel to the appointment. If the appointment is in the middle of the day it not feasible to go back to the work site. Therefore, Ms. I [REDACTED] recorded ½ day of loss wages at a minimum for an appointment related to this case. She testified repeatedly that \$75 per hour is a conservative estimate of the lost wages to her family.
12. Ms. I [REDACTED] testified that L.B. attends counseling as a result of the offense. One fo the exhibits listed the dates of the counseling. The probation department calculated the mileage rates to and from those appointments.
13. At the beginning of the hearing, the State proffered that L.B. did not attend school after this incident, and Ms. I [REDACTED] obtained tutoring services for her daughter as a result. Ms. I [REDACTED] submitted those tutoring bills to the Crime Victim Compensation Fund for reimbursement. The Fund approved her claim for those expenses. The State advised the Court that it only learned of this additional expenses today and it was not included in its original restitution request filed in the case.
14. The Court then inquired of the parties whether it was legally required to order restitution when it learns the Crime Victim Compensation Fund paid for services for the victim.
15. The Court ordered the parties to submit a memorandum by July 28, 2023, on the issue of whether the Court may order restitution for lost wages of a parent for a minor victim.

16. On July 18, 2023, the State disclosed to the Defendant thirty-three documents supporting the award from the Crime Victim Compensation Fund for tutoring services. The same day, the State filed an amended request for restitution, requesting a total of \$15,871.54 in restitution. This amended amount accounts for the additional \$8,917.54 request to reimburse the Crime Victim Compensation Fund for payment of tutoring services incurred by the victim's parents.
17. On July 28, 2023, the State and Defendant submitted their restitution memoranda. Neither the State nor Defendant filed a reply brief.
18. The court, when sentencing a defendant convicted of a felony or misdemeanor causing physical, psychological, or economic injury or loss to a victim, shall order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to any victim of the offense to the greatest extent economically practicable when considering the defendant's financial circumstances. W. Va. Code § 61-11A-4.
19. Under W.Va.Code, 61-11A-1 through -8 and the principles established in our criminal sentencing jurisprudence, the circuit court's discretion in addressing the issue of restitution to crime victims at the time of a criminal defendant's sentencing is to be guided by a presumption in favor of an award of full restitution to victims, unless the circuit court determines by a preponderance of the evidence that full restitution is impractical, after consideration of all of the pertinent circumstances, including the losses of any victims, the financial circumstances of the defendant and the defendant's family, the rehabilitative consequences to the defendant and any victims, and such other factors as the court may consider. Syl pt. 3, *State v. Lucas*, 201 W. Va. 271, 273, 496 S.E.2d 221, 223 (1997).
20. Any dispute as to the proper amount or type of restitution shall be resolved by the court by the preponderance of the evidence. The burden of demonstrating the amount

of the loss sustained by a victim as a result of the offense shall be on the prosecuting attorney. The burden of demonstrating the financial resources of the defendant and the financial needs of the defendant and such defendant's dependents shall be on the defendant. The burden of demonstrating such other matters as the court deems appropriate shall be upon the party designated by the court as justice requires. W. Va. Code § 61-11A-5(d).

21. In addition to any penalty provided under this article and any restitution, which may be ordered by the court under article eleven-a of this chapter, the court may order any person convicted under the provisions of this article to pay all or any portion of the cost of medical, psychological or psychiatric treatment of the victim, the need for which results from the act or acts for which the defendant is convicted, whether or not the victim is considered to have sustained bodily injury. W. Va. Code § 61-8B-13.
22. In their briefs, both the State and Defendant cited *State v. Cummings*, 214 W.Va. 317, 589 S.E.2d. (2003). In this case the Court found that the West Virginia Victim's Protection Act does not include restitution for loss of wages incurred by the victim while attending court proceedings. The State gave up its request for restitution for lost wages of L.B.'s parents to attend court proceedings or trial preparation. The State reduced its requested restitution by \$4,864.70.
23. The Court agrees with the State and finds that the parents of L.B. are entitled to lost wages and mileage for loss due to medical reasons or to obtain immediate protection of L.B. The Court finds that the parents of L.B. lost wages in the amount of \$300 for the forensic interview of the child, \$600 for to meet with school personnel and for medical testing, \$300 for filing a restraining order, and another \$300.00 for attending the final restraining order hearing. The Court finds the State proved these losses by a preponderance of evidence. The Court further finds that the parents are entitled to

\$44.80 in mileage expenses to all the events above.

24. The Court also awards Ms. I [REDACTED] \$544.50 for mileage expenses for L.B.'s travel to and from her therapist.
25. The Court rejects Defendant's argument that because the minor victim, L.B., did not pay for these expenses herself, Defendant is not required to pay restitution. Parents of a minor child are responsible for payment of a minor's expenses. This includes expenses for medical care, food, transportation, education, and housing. Generally, a minor victim does not incur expenses prior to reaching the age of majority. It is usually the parents who incur the expenses. The fact that a parent bore these expenses and not the minor victim would not excuse a defendant from paying these expenses.
26. Expenses incurred by the parents in this case for making arrangements for the minor victim's education, taking the child to get medically tested, and obtaining a restraining order are expenses incurred for the minor victim's health, protection and education. The Court does not expect a minor child, especially a sexual assault victim, to complete these tasks on their own. If the parent did not do so, the parent could have hired someone to do so. If the parent did hire someone, it does not appear Defendant would have contested that expense.
27. The Court also rejects Defendant's argument that any loss of income by a parent cannot be ordered as restitution. If, for example, the minor victim was injured and the parent had to stay home to care for the injured victim, that loss of income can be awarded as restitution. It is an expense for the care of the victim caused by the criminal act of a defendant. The parents' loss of income is also an economic loss to the victim. It is through the parents' income that a victim has food, shelter, education and medical care.

28. Although the parents' loss of income is economic harm to the victim, the Court could also consider the parents of the victim as a "third party." The Court may, in the interest of justice, order restitution to any person who has compensated the victim for loss. The parents have done so in this case. If a court can order a defendant to pay restitution to an insurance company who paid a victim, it, of course, can order restitution to a parent who has sustained an economic loss to care for their child caused by Defendant's crimes.
29. The parents of L.B., the victim in this case, are entitled to restitution for losses related to the medical, psychological, or economic injury to the victim. *W.Va. Code §61-11A-4(a)*. In the case of bodily injury to a victim, a court can also require Defendant to pay necessary medical and related professional services and devices relating to physical, psychiatric, and psychological care, including nonmedical care and treatment, cost of occupational therapy and rehabilitation, and income lost by the victim as a result of the offense. *W.Va. Code. §61-11A-4(b)(2)*.
30. The Court also grants the State's request for Defendant to be ordered to reimburse the West Virginia Crime Victim Compensation Fund \$8,917.54 for tutoring services.
31. The court shall not impose restitution with respect to a loss for which the victim has received or is to receive compensation from a third party: Provided, That the court may, in the interest of justice, order restitution to any person who has compensated the victim for loss to the extent that the person paid the compensation. An order of restitution shall require that all restitution to victims under the order be made before any restitution to any other person under the order is made. As used in this section, the term "any person who has compensated the victim for loss" shall include the West Virginia Crime Victims Compensation Fund. *W.Va. Code §61-11A-4(e)*.
32. On July 18, 2023, the State provided Defendant 30 documents in support of the

Crime Victim Compensation Fund award. [Docket No. 381-1.] The State provided the Court a copy of those documents. The Court has reviewed those documents and finds that the State proved the expense by a preponderance of evidence.

33. The Court finds it reasonable for the psychological health of the victim not attend the school where many of these crimes took place and where the student body likely had knowledge of the crime. The Court finds tutoring services for the victim in this case was a necessary professional service authorized under the Victim Rights Act. *W.Va. Code. §61-11A-4(b)(2)*.

In conclusion it is ORDERED that Defendant pay a total of \$11,006.84 in restitution through the Jefferson County Circuit Clerk. Defendant is required to pay \$8,917.54 of the restitution to the West Virginia Crime Victim Compensation Fund [CV-21-0428-Z]. Defendant is required to pay L [REDACTED] \$2,089.30. The Defendant is ordered and the Clerk is required to pay Ms. [REDACTED] first.

The State is ORDERED to provide the Circuit Clerk the address of L [REDACTED] and the West Virginia Crime Victim Compensation Fund so the Circuit Clerk may forward payments received from the Defendant.

It is ORDERED that Defendant pay Restitution as assessed by the Clerk within 90 days of his release from incarceration. Costs shall be paid through the Jefferson County Circuit Clerk located at the physical address of 119 North George St, STE 100, Charles Town, West Virginia, and the mailing address of P.O. Box 1234, Charles Town, WV 25414. The Defendant shall contact the Circuit Clerk prior to submitting payments to inquire as to the form of payment currently accepted. The Defendant is ordered to appear at the Clerk's office within 90 days of his release from incarceration to execute a payment agreement if restitution and costs have not been paid.

It is further ordered that the West Virginia Divisions of Corrections and Rehabilitation



deduct from the earnings of the Defendant as authorized pursuant to W.Va. Code §15A-4-11 to assist the Defendant in paying his restitution and court costs.

Defendant objection to this order and to the award of any restitution for his crimes is noted.

The Clerk shall enter this order and send copies of this order to counsel of record and to the West Virginia Crime Victims Compensation Fund. The Clerk shall remove this matter from the Court's docket and report it as closed.

**/s/ Debra McLaughlin**  
Circuit Court Judge  
23rd 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/](http://www.courtswv.gov/e-file/) for more details.

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Case No. CC-19-2022-F-11  
Judge Debra McLaughlin

**WILLIE EDWARD BELMONTE, JR.,**  
Defendant

**SENTENCING ORDER**

On January 4, 2023, this matter came before the Court for sentencing. The State of West Virginia appeared by Greg Jones, Assistant Prosecuting Attorney for Jefferson County.

Defendant appeared in person and by counsel, S. Andrew Arnold.

The Court first read a nine-page document titled Notice and Acknowledgment of Sexual Offender Registration Requirements to the Defendant in open court. The Defendant signed the document, and it is ordered filed herein. It is ordered that the Defendant shall register as a Sexual Offender pursuant to W.Va. Code §15-12-1 *et seq.* for life.

After reading the terms and conditions of sex offender registration, the Court inquired whether either party had any legal or just cause to delay sentencing. No cause was given, and the Court proceeded to sentencing.

The defense called Paul Kradel, Ed.D., who offered testimony related to a forensic and psycho-sexual examination and testing he performed on the Defendant. The Court previously received the report, and it has been filed under seal. Defense counsel was then given an opportunity to argue for a specific sentence. Defendant was also given an opportunity for allocation.

The victim's mother, L.I., gave a victim impact statement. J. E. , a family friend then read victim, L.B.'s, impact statement. The State then made its sentencing recommendation.

Defense counsel was then given an opportunity to respond to the State's request.

After consideration of the pre-sentencing investigation, allocution, evidence, and recommendations of counsel, Defendant, Willie Edwards Belmonte Jr., is sentenced as follows:

COUNTS	CHARGE	SENTENCE
COUNTS: 1, 3, 10, 12, 14, 17, 18, 19	Sexual Abuse by a Person in a Position of Trust; W.Va. Code §61-8D-5, each a felony offense,	Not less than 10 years nor more than 20 years in a correctional facility for each count;
COUNTS: 11, 21	Solicitation of a Minor Via a Computer and Engaging in an Overt Act, W.Va. Code §61-3C-14b(b), each a felony offense.	30 years in a correctional facility for each count.
COUNTS: 8, 25, 27	Use of Obscene Matter with Intent to Seduce a Minor, W.Va. Code §61-8A-4, each a felony offense,	5 years in a correctional facility for each count;

It is further ORDERED that:

1. the sentences for Counts 1 and 3 shall be served consecutively to each other in a correctional facility of this state;
2. the sentences for Counts 10, 12, 14, 17, 18 and 19 shall be served concurrently with each other and concurrently with the sentences for Counts 1 and 3;
3. the sentences for Counts 11 and 21 shall be served consecutively to each other but concurrently with the sentences for Counts 1 and 3; and
4. the sentences for Counts 8, 25, and 27 shall be served consecutively to each other and consecutively to any other sentence herein.

The Court also notes that as of today, Defendant has a total of **71 days credit of actual incarceration** at the Eastern Regional Jail.

It is further ORDERED that Defendant serve fifty (50) years of supervised release pursuant to W.Va. Code §62-12-26. The terms and conditions of supervised release were provided to the Defendant at sentencing and are contained in four documents titled Terms and

Conditions of Supervised Release, Sex Offender Conditions, Computer Use Conditions, and Definition or Terms Regarding Contact with Minors. Defendant is ordered to review the documents with his attorney and provide them to the Probation Department. The Probation Department shall file the terms with the Clerk.

The Defendant shall be transported to and held in a facility under the control of the Commissioner of the Division of Corrections and Rehabilitation. The Court further orders that the cost of incarceration in the jail pending transfer shall be paid by the Commissioner consistent with the provisions of §15A-3-16 of this code.

*The West Virginia Division of Corrections and Rehabilitation shall consider this order controlling of any other prior sentencing order or certified commitment orders entered in this case.*

It is further ORDERED that Defendant pay the costs of this action as assessed by the Clerk within 90 days of his release from incarceration. Costs shall be paid through the Jefferson County Circuit Clerk located at the physical address of 119 North George St, STE 100, Charles Town, West Virginia, and the mailing address of P.O. Box 1234, Charles Town, WV 25414. The Defendant shall contact the Circuit Clerk prior to submitting payments to inquire as to the form of payment currently accepted. The Defendant is ordered to appear at the Clerk's office within 90 days of his release from incarceration to execute a payment agreement if restitution and costs have not been paid.

It is further ORDERED that the West Virginia Divisions of Corrections and Rehabilitation deduct from the earnings of the Defendant as authorized pursuant to W.Va. Code §15A-4-11 to assist the Defendant in paying his costs.

The victim's family requested restitution as outlined in the PSI. Defendant requested an opportunity to review the request. It is ORDERED that the State and defense counsel consult and attempt to reach an agreement. If an agreement is not reached, the State shall request a

hearing where the amount of restitution shall be determined.

It is further ORDERED the Defendant submit a DNA sample for testing. W.Va. Code §15-2B-6 requires a defendant be tested upon conviction of the crime in this case. It is ordered that the West Virginia Division of Corrections and Rehabilitation obtain a sample of the Defendant's DNA and submit that sample to the West Virginia State Police as required by W.Va. Code §15-2B-9. The Clerk shall assess \$150.00 to the Defendant's costs for this testing.

Any remaining charge against the Defendant in Jefferson County arising out of the same act or transaction listed on the Court Disposition Reporting Form (CDR) forwarded from Magistrate Court and not charged in the Indictment is dismissed. Rule 8, W.Va. R.Crim.P. The Clerk is ordered to report those dismissals on the CDR if necessary.

Following sentencing, the Court informed the Defendant of his appellate rights. If Defendant intends to appeal and needs court-appointed counsel, he shall file an affidavit for the appointment of counsel.

Any bond posted in this matter is released or exonerated.

The Clerk shall enter this order and send copies of this order to counsel of record, the Eastern Regional Jail, the West Virginia Division of Corrections and Rehabilitation, the Probation Department, and any bond surety listed. The Clerk shall then remove this matter from the Court's active docket and report it as closed.

**/s/ Debra McLaughlin**  
Circuit Court Judge  
23rd Judicial Circuit

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