

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA
Plaintiff,

Vs.

AUSTIN STEVENS,
Defendant.

FILED

2023 SEP 20 P INDICTMENT NO. 22-F-93
JUDGE Alfred E. Ferguson

MIKE V. NEAL
CIRCUIT CLERK
CABELL CO. W. VA.
SENTENCING ORDER

On this the 15th day of September, 2023, came the defendant, in person and by counsel, Tanner V. Wall, and also came the State of West Virginia by Kellie M. Neal, Assistant Prosecuting Attorney, Cabell County, West Virginia, for sentencing pursuant to the defendant having previously pleaded guilty to the felony offense of "CRUELTY TO ANIMALS" as contained in Indictment No. 22-F-93. Upon addressing counsel for the defendant, the Court determined that the defendant and his counsel have had the opportunity to participate in the presentence investigation and have read and discussed the report thereof made available to them pursuant to Rule 32(b) of the West Virginia Rules of Criminal Procedure. Further, the Court determined that there are no unresolved objections to said presentence report.

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.

Thereafter, the Court then demanded of the said Austin Stevens if he had or knew anything to say why the Court should not proceed to pronounce the sentence of the law against him, and nothing being offered or alleged in delay of judgment, it is ORDERED that the defendant be committed to the custody of the Division of Corrections for a period of not less than one nor more than five (5) years on Indictment No. 22-F-93, which sentence is hereby suspended and the defendant is placed on probation for a period of four (4) years and shall abide by all of the terms and conditions as set forth by the Cabell County Probation Department/OR Home Confinement. The defendant must serve the first year on Home Confinement, and the defendant must pay restitution to the victim,

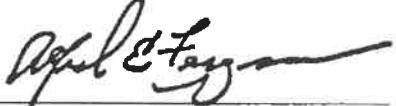
Rusty Scarberry, 545 Kingery Hollow Road, Lesage, West Virginia, 25537, in the amount of One Thousand Five Hundred Dollars (\$1,500.00) and pay a fine in the amount of One Thousand Dollars (\$1,000.00). It is further ORDERED that the statute mandate requiring that the Defendant not have any possession or ownership of any animals is stayed pending outcome of the Defendant's appeal.

It appearing to the Court that the bond previously posted in this matter is no longer required, it is hereby ORDERED that the Clerk of the Circuit Court deduct from said bond any court ordered fines and court costs and return the remainder of said cash bond to the surety. In the event that a property bond was posted in this matter, upon discharge and release of said bond, the clerk of this court shall provide a certified copy of said release to the county clerk of Cabell County for filing therin.

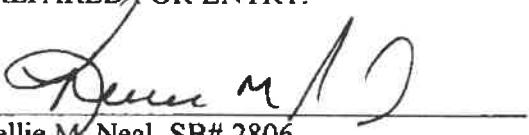
The Clerk of this Court is hereby directed to provide a certified copy of this order to all counsel of record and to the Cabell County Probation Department.

There being nothing further to be done in this matter, it is hereby removed from the active docket of the Court.

ENTER
ORDER:


Alfred E. Ferguson, Circuit Judge

PREPARED FOR ENTRY:


Kellie M. Neal, SB# 2806
Assistant Prosecuting Attorney
Cabell County Courthouse
750 5th Avenue, Suite 350
Huntington, WV 25701
(304) 526-8653

Tanner V. Wall, SB#13483
Counsel for Defendant,