

In the Circuit Court of Wood County, West Virginia

State of West Virginia,
Plaintiff,

v.

JAMIL ADRIAN CABRAL,
Defendant

Case No. CC-54-2023-F-325
Judge Robert A. Waters

SENTENCING ORDER

On this 7th day of March, 2024, came the State of West Virginia by Charlotte Dauphin, Assistant Prosecuting Attorney in and for Wood County, West Virginia, Jeffrey Nuckolls, Probation Officer, and the Defendant, in person and in custody, accompanied by his attorney, Reggie Bailey of the Fourth Circuit Public Defender Corporation.

Prior to proceeding to Sentencing, Defense argued a Motion for New Trial and a Motion for Post-Judgment Acquittal. The Court, after hearing arguments from both the Defense and the State, does hereby DENY each of these post-trial motions. The Court proceeding to Sentencing.

The Court having asked the Defendant, Defendant's attorney and the attorney for the State whether they had anything to say why the Court should not now proceed to pronounce sentence upon him according to law and nothing being offered or alleged in delay of sentence, it is, therefore, ADJUDGED that the Defendant, JAMIL ADRIAN CABRAL, is guilty by verdict of a jury trial to the offenses of *Conspiracy to Commit Possession of a Controlled Substance with Intent to Deliver, Second Offense*, a felony, as charged in Count Two of the Indictment; and to *Possession of a Controlled Substance*, a misdemeanor, as charged in Count Three of the Indictment.

Thereupon, the Court, before imposing sentence, determined that the Defendant

and his counsel have had the opportunity to read and discuss the pre-sentence investigation report made available pursuant to the West Virginia Rules of Criminal Procedure, afforded the Defendant and his attorney the opportunity to speak on behalf of the Defendant and asked the Defendant personally if he wished to make a statement on his own behalf and to present any information in mitigation of punishment and the attorney for the State having also been given an equivalent opportunity to speak to the Court, upon consideration thereof, it is ADJUDGED and ORDERED that the Defendant, JAMIL ADRIAN CABRAL, be committed to the custody of the West Virginia Division of Corrections for imprisonment for a term and period of sixteen (16) years, with a credit of three (3) days on Count Two; and to the custody of the West Virginia Regional Jail Authority for confinement for a term and period of ninety (90) days, with a credit of forty-five (45) days on Count Three, and in all things dealt with as the law directs. Count Three is to be served first with Count Two to be served consecutively.

It is further ORDERED that the North Central Regional Jail or their authorized agent and/or the West Virginia Division of Corrections shall perform DNA Identification Testing on the Defendant prior to her release from incarceration, such testing being mandated by State law for the offense upon which the Defendant has been convicted.

It is further ORDERED that the Defendant shall pay to the Clerk of this Court, within one year after his release from confinement, the costs of his arrest and conviction; which said costs are as follows: Clerk's Fee - \$105.00; Prosecuting Attorney Fee - \$35.00; Court Reporter's Fee - \$30.00; Crime Victim's Compensation Fund - \$50.00; Community Corrections Account - \$10.00; Community Corrections Fund - \$25.00; Magistrate Court Fee - \$10.00; and Law Enforcement Training Fund - \$12.00 for a total of \$277.00.

It is further ORDERED that pursuant to WV Code §62-4-17, upon request and

subject to the following requirements, the Circuit Clerk shall establish a payment plan for a person owing costs, fines, forfeitures, restitution, or penalties imposed by the Court, so long as the person signs and files with the clerk, an affidavit, stating that he or she is financially unable to pay. A \$25 administrative processing fee shall be paid at the time the payment form is filed or, in the alternative, the fee may be paid in no more than five equal monthly payments. Unless incarcerated, a person must enroll in a payment plan no later than 180 calendar days after the date the court enters the order assessing the costs, fines, forfeitures, restitution, or penalties. If the person is incarcerated, he or she shall enroll in a payment plan within 180 calendar days after release.

The Court having before him the report of the Probation Officer of this Court and having maturely considered said report and Defendant's motion for probation or alternative sentencing heretofore made, is of the opinion that the character of the Defendant and the circumstances of the case indicate that he is likely to again commit crime and that the public good does require that he be imprisoned. It is, therefore, ORDERED that said motion for probation or alternative sentencing be denied.

Whereupon, the Court advised and informed the Defendant of his right to appeal this case to the West Virginia Supreme Court of Appeals and the right to employ an attorney to represent him for legal assistance in making such appeal, and that if the Defendant did not have available finances and means to employ such an attorney, an attorney would be appointed by the Court to represent the Defendant in making such appeal, and a transcript of the proceedings will be provided to the Defendant without charge if he is unable to afford the cost of such transcript.

Thereupon, the Defendant is remanded to the custody of the Regional Jail Authority at the North Central Regional Jail for transportation to the duly authorized officials of the West Virginia Division of Corrections.

Is/ Robert A. Waters
Circuit Court Judge
4th 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/ for more details.