

In the Circuit Court of Marion County, West Virginia

State of West Virginia,
Plaintiff,

v.

Case No. CC-24-2023-F-82
Judge David Janes

THOMAS VALENTINE,
Defendant

SENTENCING ORDER

On the 21st day of September, 2023, came the State of West Virginia, Joseph T. Hodges, III, its Assistant Prosecuting Attorney, and came the Defendant, THOMAS VALENTINE in person and by his counsel, Christopher Wilson, and came also Brent King of the Marion County Probation Office, all for the purpose of a Sentencing Hearing in the above-styled cases.

Thereupon, the Court noted the receipt of the pre-sentence investigation report and the amended pre-sentence investigation report, to all of which the Defendant had no objections. Thereupon, the Court proceeded to hear the arguments and representations of counsel for both Defendant and the State regarding sentencing, as well as the statements of Defendant, himself and in consideration of same, and of all matters of record, herein, the Court ORDERED that Defendant be, and hereby is, sentenced upon Count I of the Indictment in Case No. 22-F-274 charging the offense of CONSPIRACY TO MANUFACTURE, DELIVER OR POSSESS WITH INTENT TO MANUFACTURE OR DELIVER NOT LESS THAN TWENTY GRAMS BUT FEWER THAN FIFTY GRAMS OF METHAMPHETAMINE , a felony to imprisonment in the penitentiary for a definite term of five (5) years; upon Count II of the Indictment in Case No. 22-F-274 charging the offense of POSSESSION WITH INTENT TO DELIVER A CONTROLLED SUBSTANCE (METHAMPHETAMINE), a felony, to imprisonment in a state correctional facility for not less than one (1) year nor more than fifteen (15) years; upon Count III of the

Indictment in Case No. 22-F-174 charging the offense of CONSPIRACY TO COMMIT A FELONY CONTROLLED SUBSTANCE OFFENSE, a felony, to imprisonment in a state correctional facility for a definite term of five (5) years; upon Count V of the Indictment in Case No. 22-F-274 charging the offense of POSSESSION WITH INTENT TO DELIVER A CONTROLLED SUBSTANCE (FENTANYL/TRAMADOL), a felony, to imprisonment in a state correctional facility for not less than one (1) year nor more than fifteen (15) years; and upon Count VII of the indictment in Case No. 22-F-274 charging the offense of CARRYING A CONCEALED FIREARM BY A PROHIBITED PERSON, a felony, to confinement in a state correctional facility for a definite term of five (5) years; and upon Count VIII of the Indictment in Case No. 22-F-274 charging the offense of POSSESSION OF A FIREARM BY A PROHIBITED PERSON, a felony, to imprisonment in a state correctional facility for life, with eligibility for parole after fifteen years, as enhanced by operation of West Virginia Code §§ 61-11-18(d) and 61-11-19 by virtue of the Court's Order in Case No. 23-F-82 in which Defendant was found GUILTY of THIRD OR SUBSEQUENT OFFENSE FELONY (RECIDIVIST). The sentences in Counts I, II, III, and V shall run concurrently, and the sentences in Counts VII and VIII shall run concurrently, but consecutively to the sentences in Counts I, II, III, and V.

Defendant shall receive credit for time served from the 11th day of February, 2022, through the 14th day of February, 2022, in the amount of four (4) days, and from the 5th day of August, 2022, through this 20th day of September, 2023, in the amount of four hundred twelve (412) days, for a total of four hundred sixteen (416) days previously served.

CONVICTION DATE (Case No.: 23-F-82): August 18, 2023

CONVICTION DATE (CASE NO. 22-F-274): March 30, 2023

SENTENCE DATE: September 20, 2023

EFFECTIVE SENTENCE DATE: July 31, 2022

The Court further ORDERED that Defendant pay the costs of this proceeding in the

amount of \$677.00 for Case No. 22-F-274 and in the amount of \$527.00 for Case No. 22-F-82 and attorney fees as taxed by the Marion County Circuit Clerk's Office to be paid within five (5) years of Defendant's release from incarceration, to and through the Marion County Circuit Clerk's Office, Marion County Courthouse, Fairmont, WV 26554.

The State moved to incorporate Magistrate Case No. 22-M24F-00054 and Bound-Over Case No. 22-B-54 and to dismiss any additional charges contained in said numbers, and hearing no objection, the Court does hereby ORDER the same be incorporated.

Defendant is hereby advised and acknowledged that the offenses to which he entered these pleas are considered "qualifying offenses" under W. Va. Code §61-11-18 and that he may be subject to an enhanced sentence of confinement if he is hereafter convicted of any additional qualifying offense.

Defendant is advised that the offenses herein are crimes punishable by more than one year in prison and as a result of these convictions he will be prohibited from possessing a firearm.

Defendant is hereby advised of the following rights concerning his conviction and sentence:

- (1) Within sixty (60) days from the date of your sentence, you may petition the presiding judge of the Circuit Court of Marion County, pursuant to West Virginia Code §62-12-3, for suspension of the execution of your sentence and release on probation.
- (2) Within one hundred twenty (120) days from the date of your sentence, you may petition the judge of the Circuit Court of Marion County, pursuant to Rule 35(b) of the West Virginia Rules of Criminal Procedure, for correction or reduction of your sentence.
- (3) Pursuant to Rule 32 of the West Virginia Rules of Criminal Procedure, you can appeal your conviction and/or sentence to the West Virginia Supreme Court of Appeals in

Charleston, West Virginia. In order to protect and keep this right of appeal you must:

A. Within thirty (30) days from the date of your sentence, file with the Clerk of the West Virginia Supreme Court of Appeals in Charleston, West Virginia, your notice of intent to appeal, and;

B. Within four (4) months from the date of your sentence, file your petition for writ of error with the West Virginia Supreme Court of Appeals in Charleston, West Virginia.

(4) If you are an indigent and cannot afford an attorney, then this Court will appoint an attorney to represent you to protect your appellate rights as set out in paragraph three (3) above.

A. You must notify the Court in writing of your request to have an attorney for you to exercise these rights.

The foregoing notice was read in open court, and a blue copy of same was given to the Defendant on the 20th day of September, 2023.

It is further ORDERED that the Clerk of this Court shall provide a copy of this Order upon entry to: the State of West Virginia, Jeffrey L. Freeman, via electronic notification; Counsel for Defendant, Christopher Wilson, Esq., via electronic notification; Marion County Adult Probation Office, via electronic notification; West Virginia Division of Corrections, 112 California Avenue, Building 4, Room 300, Charleston, West Virginia 25305. and to the North Central Regional Jail, 1 Lois Lane, Greenwood, WV26415.

All until further Order of the Court.

Prepared By:

/s/Joseph T. Hodges, III
Joseph T. Hodges, III, #8556
Assistant Prosecuting Attorney

Approved By:

/s/ Christopher Wilson
Christopher Wilson, Esq.
Counsel for Defendant

CERTIFICATE OF SERVICE

I, Joseph T. Hodges, III, do hereby certify that on the 22nd day of September, 2023, I

delivered a true copy of the foregoing ORDER to the Circuit Court using the West Virginia E-Filing system, which will send notification of such filing to defendant's counsel, Scott Shough.

The original of this Order has been delivered to the Circuit Judge presiding over the Court proceeding reflected therein. You should initial the same in his office within five (5) days upon receipt of this letter or the Order will be entered without your signature pursuant to the Trial Court Rules.

/s/ Joseph T. Hodges, III
Joseph T. Hodges, III, #8556
Assistant Prosecuting Attorney
213 Jackson Street
Fairmont, WV 26554

/s/ David R. Janes
Circuit Court Judge
16th 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.