

IN THE CIRCUIT COURT OF MINGO COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

Plaintiff,

v.

Indictment A06-M1

WANDA CARNEY,

Defendant.

SENTENCING ORDER

On the 23rd day of October, 2006, appeared the Defendant, Wanda Carney, in person and by counsel, Jason E. Huber, and the State of West Virginia, by C. Michael Sparks, Mingo County Prosecuting Attorney, all before the Honorable Michael Thornsby, Chief Circuit Judge of the 30th Judicial Circuit of West Virginia, for a sentencing hearing previously scheduled for this date after the Defendant's jury trial conviction on the 8th day of September, 2006, for one (1) count of Obstructing a Police Officer, a violation of West Virginia Code § 61-5-17(a), and one (1) count of Conspiracy to Obstruct a Police Officer, a violation of West Virginia Code § 61-10-31 and § 61-5-17(a), as charged in Count I and II of Indictment A06-M1.

WHEREUPON, the Court inquired of the State, the Defendant and her counsel if they had been furnished with a copy of the presentence investigation report prepared by the Probation Officer. In response to said inquiry, the State of West Virginia, the Defendant and her counsel replied in the affirmative. The Defendant and her counsel represented that they had reviewed the presentence investigation report at length and

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were afforded an adequate opportunity to make corrections or offer objections, amendments or additions thereto.

WHEREUPON, the Court inquired of counsel if either had anything to say regarding the sentence to be imposed;

WHEREUPON, the inquired of the Defendant if she had anything to say regarding the sentence to be imposed.

After careful consideration of the presentence report, arguments of counsel, Defendant's allocution and full record herein, the Court does hereby incorporate by reference its findings made on the record and does ADJUDGE, ORDER, and DECREE that the Defendant shall be taken from the bar of this Court to Southwestern Regional Jail to be kept and confined as follows:

Count I - Obstructing a Police Officer - West Virginia

Code § 61-5-17(a) - a definite term of one (1) year.

Count II - Conspiracy to Obstruct a Police Officer - West

Virginia Code § 61-10-31 and § 61-5-17(a) - a definite term of one (1) year.

It is further ORDERED that the sentences shall run concurrent.

It is further ORDERED that the Defendant shall be given credit for forty-five (45) days served on electronic home confinement.

It is further ORDERED that the Defendant's request for probation and/or alternative sentencing is GRANTED.

Accordingly, it is further ORDERED that the respective sentences shall be suspended.

It is further ORDERED that the Defendant shall be placed on probation for a definite term of three (3) years with the following conditions:

1. The Defendant shall serve sixty (60) days on electronic home confinement for each conviction. The respective terms of electronic home confinement shall run consecutively for a total of one hundred twenty (120) days on electronic home confinement.
2. The Defendant shall complete two hundred (200) hours of community service.
3. The Defendant shall enroll in and complete a higher education class in criminal justice/procedure.

Thereupon, the Court advised the Defendant of the standard probation conditions.

It is further ORDERED that the Defendant shall be assessed fines, costs, and restitution as follows:

MISDEMEANORS

Prosecuting Attorney Fee [PRO] [§ 59-2-17]	\$15.00
Crime Victim Compensation Fund [CVF] [§ 62-5-10(a&b)]	\$20.00
Circuit Clerk [§ 59-1-11]	\$85.00
Community Corrections Conviction Fee [CCC] [§ 62-11C-4(d)]	\$10.00
Law Enforcement Training [LET]	\$2.00
Home Confinement	\$ 330.00
Magistrate Court	\$-0-
Court Reporter Fees [§ 51-7-6]	\$-0-
Appointed Counsel Fees	\$-0-
Fine	\$-0-
Restitution	\$-0-
Random Drug Screening	\$9.50
Jury Costs	\$1,617.83
Witness Fees	\$-0-
DUI Criminal [CLK]	\$-0-
DUI FEE [§14-2A-4(A)] An additional 20% of any fine imposed	\$-0-

HIV Testing	\$-0-
Psychological Testing	\$-0-
Supervised Release Fee [Sexual Offender] [§ 62-12-26(d)]	\$-0-

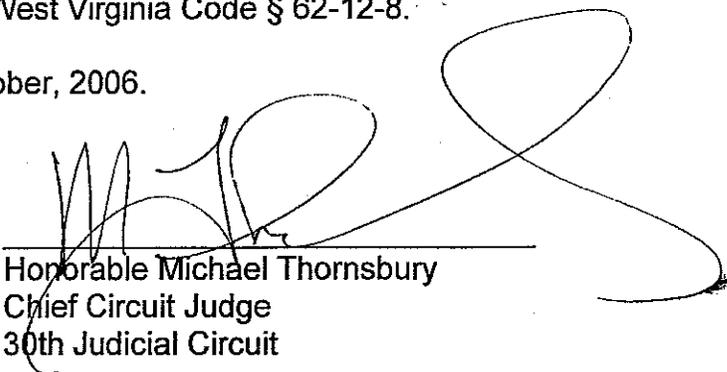
Total of assessed fines, cost and restitution is \$2,089.33.

It is further ORDERED that the Defendant's counsel shall be given ten (10) days to file any written objections to this Sentencing Order. If no such objections are timely filed, this Sentencing Order shall continue with full force and effect.

It is further ORDERED the Clerk shall forward a certified copy of this Sentencing Order to counsel of record and the Mingo County Probation Office.

It is further ORDERED that the Clerk shall forward a certified copy of all orders granting release on probation, refusing such release in felony cases and revoking any previous orders to the West Virginia Board of Probation and Parole within five (5) days after the entry date thereof pursuant to West Virginia Code § 62-12-8.

Entered on the 26th day of October, 2006.


Honorable Michael Thornsby
Chief Circuit Judge
30th Judicial Circuit

Prepared by:



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