

Jan. 9, 2007 4:03PM

No. 5103 P. 8

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

STATE OF WEST VIRGINIA

v. CRIMINAL FILE NO. 05-P-47(R)

ORDER

HEATHER MARIE HAUPT

Defendant

On the 5th day of January, 2007, came the Defendant, in person, and by her Counsel, Eric M. Francis, and likewise came the State of West Virginia by and through her Prosecuting Attorney, Walter W. Welford, all pursuant to the previous Order of this Honorable Court setting this date for sentencing and disposition upon the Defendant's conviction by guilty plea of the felony offense of **POSSESSION WITH INTENT TO DELIVER A SCHEDULE IV CONTROLLED SUBSTANCE**, as contained in the indictment in this matter.

The matter was referred to the Probation Department of this Court for a pre-sentence investigation and report. That report has been received and a copy provided to counsel.

By virtue of the matters contained in the report, and the nature and seriousness of this offense, the Court does accordingly **ORDER**:

That the Defendant be sentenced to confinement in the penitentiary of this State for an indeterminate sentence of not less than one (1) nor more than three (3) years.

It is the further **JUDGMENT** and **ORDER** of the Court that the sentence be suspended, and by virtue of the Defendant's age and the Court's belief that the Defendant would benefit and respond to the rehabilitative atmosphere of a center for Youthful Offenders, it is the **JUDGMENT** and **ORDER** of the Court, pursuant to the provisions of §25-4-6 of the West Virginia Code, that the defendant is hereby committed to the custody of the Commissioner of the Division of

Jan. 9. 2007 4:04PM

No. 5103 P. 9

Corrections to be assigned to the Anthony Correctional Center for a period of not less than six (6) months nor more than twenty four (24) months. In the event the defendant is found unfit to remain at Anthony Center, upon notification to the Sheriff of this County by the Warden at Anthony, the Defendant shall be transported to the Tygart Valley Regional Jail, there to be housed until further hearing.

If the Defendant is aggrieved by the sentence imposed and disposition made, she may appeal the same, and in order to do so must file notice of intent to appeal, in writing with the Clerk of this Court, within thirty (30) days. If the Defendant is unable to employ counsel, counsel will be appointed for the said Defendant. If the Defendant is unable to afford a transcript of the proceedings had herein, a transcript will be provided to the Defendant without cost.

The Defendant may remain on her present bond to report to the Sheriff for transportation to Anthony Correctional Center when she is notified to do so, until she can be received at Anthony Correctional Center. The bond is conditioned that the Defendant must submit to random screening of her blood, breath, or urine when she is requested to do so by any law enforcement officer to insure that she remains drug and alcohol free. Any indication of a positive screen may result in her incarceration pending hearing.

And there being nothing further at this time, this matter is ORDERED removed from the active docket. Upon the appearance of the Defendant for transportation to Anthony Center, the bond of the Defendant shall be deemed fulfilled and any sums for bond held by the Clerk shall be returnable to the person posting the same.

The Clerk is directed to provide copies of this Order to Counsel to the Defendant, the Sheriff of Pocahontas County, the Probation Department of this Court, and to the Prosecuting Attorney.

Jan. 9. 2007 4:04PM

No. 5103 P. 10

ENTER

January 5, 2007

[Signature]

JAMES J. ROWE, JUDGE

A TRUE COPY, Certified this *10th*
day of *January*, 20 *07*
Gail D. Michael, Cler.
POCAHONTAS COUNTY CIRCUIT COURT
Marlinton, West Virginia 24934
By *[Signature]*, Deputy