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Recd & Entered 12/15 2007
CRIMINAL ORDER BOOK
Book No. 61 Page 205

IN THE CIRCUIT COURT OF MINERAL COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,
PLAINTIFF

VS.

CASE NO. 07-F-49

JOSEPH FRITACHE WHITE,
DEFENDANT

ORDER

This matter came on for the purpose of a sentencing hearing before the Honorable Andrew N. Frye, Jr. on this 12th day of December, 2007. The State of West Virginia was present by its Prosecuting Attorney Lynn A. Nelson and the Defendant in person, in the custody of the Sheriff of Mineral County and by his counsel, Timothy M. Sirk.

The Court noted the receipt of a pre-sentence report in this matter and that this matter had been set by the Court for sentencing. Defense counsel advised the Court that they had no substantial differences with the information contained in the pre-sentence report. The Court heard the arguments of defense counsel and the Defendant.

Counsel for the State and the victim addressed the Court.

WHEREUPON, it is ADJUDGED that the Defendant has been convicted upon his jury verdict to three counts of the felony offense of Second Degree Sexual Assault. The Court having asked the Defendant if he had anything to say why judgment should not be pronounced and no sufficient cause being shown or appearing to the Court it is ADJUDGED that the Defendant is GUILTY as charged and convicted.

P.H.R.T. (Fax)
G. Parrish
Sheriff/Jail
replied

Copies
L. Nelson
T. Sirk
1 Proh
3) WV Doc
WV Pen

OFFICE OF
PROSECUTING ATTORNEY
MINERAL COUNTY
KEYSER, WV

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97

It is Adjudged that the Defendant is hereby committed to the custody of the Warden of the West Virginia State Penitentiary or his authorized representative for imprisonment for a term of not less than ten nor more than twenty-five years for each of his three felony convictions of Sexual Assault in the Second Degree. Said three sentences are to run consecutive and not concurrent.

Conviction Date September 25, 2007.

Sentence Date: December 12, 2007

Effective Sentence Date: January 4, 2007

The aforesaid gives the Defendant credit for all time served in the Potomac Highlands Regional Jail namely, 343 days.

It is ordered that the Clerk forthwith transmit this record, duly certified, of the judgment and commitment to the Warden of the West Virginia State Penitentiary and this record serve as the commitment.

A judgment in favor of the State of West Virginia and against the Defendant is hereby entered for court costs and reasonable court costs, medical expenses of the victim at Potomac Valley Hospital and attorney fees.

Counsel for the Defendant objected to all rulings adverse to the Defendant.

The Defendant is remanded to the custody of the Department of Corrections and this Order shall serve as his commitment.

All the proceedings had this date were taken by the Court Reporter and are part of this Order as though the same were

textually incorporated verbatim herein, but are not to be transcribed unless further ordered by Court.

Done and Entered this 13th day of December, 2007

Andrew N. Frye, Jr.

Andrew N. Frye, Jr.
J U D G E

