

IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA.

STATE OF WEST VIRGINIA,

VS.

INDICTMENT NO. 05-F-220-F

SPICEY JEAN ALLEN.

ORDER

This matter comes on this day for disposition. There appearing are the State of West Virginia by Timothy D. Boggess, her Assistant Prosecuting Attorney; the defendant in person, being led to the bar of the Court in the custody of the Sheriff, and counsel for the defendant, Harold B. Wolfe, III and Paul Cassell.

Whereupon, the defendant, by counsel, moved this Court to grant the defendant probation and/or alternative sentencing or concurrent sentences with case number 05-F-264. Thereupon, the Court having received the report of the pre-sentence investigation from the Probation Department of this County and Court, and after considering said report and the statements of counsel and the defendant, the Court finds that the defendant is not a fit and proper person for alternative sentencing, and denies said motion, for the following reasons: (1) there is a substantial risk that the defendant will commit another crime during any period of alternative sentencing; (2) alternative sentencing would unduly depreciate the seriousness of the defendant's crime; (3) the public good would not be

served by granting the defendant an alternative sentence and (4) the public good would be served by the Court imposing a sentence of actual incarceration.

Whereupon, the Court inquired of the defendant if anything for herself she had or knew to say why the Court here should not now proceed to pronounce judgement against her, and nothing being offered or alleged in delay of judgement, it is the **ORDER** and **DECREE** of this Court that the said Spicey Jean Allen be and is hereby adjudged guilty of Attempt to Commit Murder in the First Degree, a lesser included offense as contained in Count 1 of the Indictment, and that she be taken from the bar of this Court to the Southern Regional Jail and therein confined until such time as the warden of the penitentiary can conveniently send a guard for her and that she be taken from the Southern Regional Jail to the penitentiary of this State for the indeterminate term of not less than three (3) years and not more than fifteen (15) years as provided by law for the offense of "Attempt to Commit Murder in the First Degree" a lesser included offense as the State in Count 1 its Indictment herein hath alleged and by her plea she hath admitted; that this sentence run consecutively to the sentence she received in 05-F-264; that the defendant be given credit for 345 days on the sentence in this case, this being the time she has been incarcerated on said charges; and that she be dealt with in accordance with the rules and regulations of that institution and the laws of the State of West Virginia. The Court recommends the defendant receive substance abuse counseling while incarcerated.

It is the further **ORDER** and **DECREE** of this Court that the defendant be assessed all court costs and attorney's fees which shall be paid within one (1) year of her release from the penitentiary, or her driver's license will be subject to suspension.

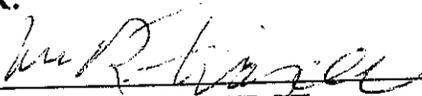
Upon motion of the State, it is the **ORDER** and **DECREE** of this Court that the remaining charges contained in the indictment pending against the defendant be and are hereby dismissed.

And the defendant is remanded to the Southern Regional Jail to await transportation to the penitentiary.

The Clerk shall forward a copy of this Order to counsel for the defendant, the Southern Regional Jail, and the probation department.

Dated the 27th day of March, 2006.

ENTER:



JOHN R. FRAZIER, JUDGE