

35477

IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA.

STATE OF WEST VIRGINIA,

VS.

INDICTMENT NO. 09-F-227-OA

JASON DEVONE WILLIAMS.

ORDER

This day came the State of West Virginia by George V. Sittler, her Assistant Prosecuting Attorney; and the defendant, in person and by counsel, Steven Mancini; thereupon, counsel for the defendant advised the Court that the defendant desired to enter a guilty plea.

Thereupon, the defendant tendered unto the Court his Petition To Enter Plea Of Guilty and Statement In Support Of Guilty Plea, and counsel tendered unto the Court his Statement In Support Of Guilty Plea and Plea Bargain Agreement, all of which are hereby **ORDERED** filed; and the Court, after examining said documents, proceeded to review with the defendant his constitutional rights, to question the defendant to determine whether he is mentally and physically capable of entering a plea at this time and to determine if there is a basis, in fact, for the defendant's plea; after said questioning and review, it is the **JUDGEMENT** of this Court that the said Jason Devone Williams is capable of entering a plea; that he understands his constitutional rights; and that there is a basis for his plea. The Court having read the Indictment, the defendant, Jason Devone Williams, for plea, says he is guilty in manner and form of the offense of "Sexual Assault - Third Degree" as the State in its Indictment herein hath alleged and by his plea he hath admitted. It is the **JUDGEMENT** of the Court that the defendant freely, voluntarily and with a full understanding of

the consequences did enter his plea of guilty and the Court accepts the defendant's plea of guilty. Whereupon, the Court doth hereby **ADJUDGE** the said Jason Devone Williams to be guilty in manner and form of the offense of "Sexual Assault - Third Degree" as the State in its indictment herein hath alleged and by his plea he hath admitted pending the ruling upon his petition for appeal to the Supreme Court regarding this Court's ruling upon his motion to suppress.

Thereupon, the defendant, by counsel, waived his pre-sentence investigation and moved the Court to proceed with disposition.

Whereupon, the Court inquired of the defendant if anything for himself he had or knew to say why the Court here should not now proceed to pronounce judgement against him, and nothing being offered or alleged in delay of judgement, it is hereby **ORDERED** that the said Jason Devone Williams be taken from the bar of this Court to the Southern Regional Jail and therein confined until such time a the warden of the penitentiary can conveniently send a guard for him, and that he be taken from the Southern Regional Jail to the penitentiary of this State and therein confined for the indeterminate term of not less than one (1) nor more than five (5) years as provided by law for the offense of "Sexual Assault - Third Degree" as the State in its indictment herein hath alleged and by his plea he hath admitted; that the defendant be given credit for 132 days, this being the time he has served in jail on said charge; that the defendant pay all court costs within one (1) year of his release from incarceration, or be subject to having his driver license suspended; and that he be dealt with in accordance with the rules and regulations of that institution and the laws of the State of West Virginia.

It is the further **ORDER** and **DECREE** of this Court that the defendant submit to a sexual offender evaluation at a time to be scheduled by the Probation Department of this County and Court, and such evaluator is directed to submit the invoice for such evaluation to this Court.

Thereupon, counsel for defendant moved the Court to grant unto the defendant a stay of execution and post-conviction bond. After due consideration, the Court **GRANTS** the defendant's motion and it is the **ORDER** and **DECREE** that the defendant be granted a stay of execution pending his appeal to the Supreme Court, that the defendant be given a \$25,000.00 post-conviction bond with the same terms and conditions as imposed on his previous bond.

The Clerk shall forward a copy of this Order to defendant's counsel and the probation department.

Dated this 5<sup>th</sup> day of August 2009.

ENTER:



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**OMAR ABOULHOSN, JUDGE**