

9-49 35437

IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA.

STATE OF WEST VIRGINIA,

VS.

INDICTMENT NO. 09-F-83-DS

DEAN CRAIG SPEARS.

ORDER

This matter came on this day for a bench trial, there appearing is Scott Ash, Assistant Prosecuting Attorney for the State of West Virginia, and the defendant being led to the bar of the Court in the custody of the Sheriff, and by counsel, ~~Michael Cooke~~

After due consideration of the evidence presented and argument of counsel, the Court FINDS the defendant guilty beyond a reasonable doubt and ADJUDGES the defendant, Dean Craig Spears, guilty of the offense of "Failure to Provide Notice of Changes in Sex Offender Registration" as the State in its Indictment herein hath alleged.

Whereupon, the defendant waives his right to a pre-sentence investigation and moves the Court to run any imposed sentence concurrently with his sentence he is currently serving.

After due consideration, it is the ORDER and DECREE of this Court that the defendant be taken from the bar of this Court to the Southern Regional Jail where he shall be confined until 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 "Failure to Provide Notice of Changes in Sex Offender Registration" and the State in its indictment herein hath alleged and by this Court hath been found guilty; and that this sentence run concurrently

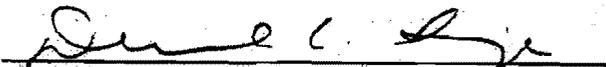
with his sentence imposed as to Indictment No. 07-F-226-DS which he is currently serving.

It is the further **ORDER** and **DECREE** of this Court that the defendant shall pay all court costs, including magistrate court costs and circuit court costs, within one (1) year or his driver's license will be subject to suspension.

The Clerk shall forward a copy of this Order to counsel for defendant and the day report center.

Dated this 18th day of March 2009.

ENTER:



DEREK C. SWOPE, JUDGE

CERTIFICATE OF SERVICE

I, Michael P. Cooke, Esquire, Counsel for the Appellant, Dean S., hereby certify that on the 12th day of August, 2009 I have filed one original and nine copies of the foregoing DOCKETING STATEMENT, MEMORANDUM OF PARTIES, DESIGNATION OF RECORD, and PETITION OF APPEAL FOR THE APPELLANT DEAN S. in the Office of the Circuit Clerk of the Circuit Court of Mercer County, West Virginia, in accordance with the applicable Rules of Appellate Procedure and Rules of Civil Procedure, a copy of this appeal has been served upon the following parties by depositing a true copy of the aforementioned documents in the U.S. Mail, First Class, postage prepaid addressed as below.

Scott A. Ash, Esquire
Assistant Prosecuting Attorney
Mercer County Prosecuting Attorney's Office
120 Scott Street, Suite 200
Princeton, WV 24740



Michael P. Cooke, Esquire
Counsel for Petitioner
WV Bar Id # 10040
Law and Commerce Building
307 Federal Street, Suite 219
P.O. Box 2091
Bluefield, WV 24701
VOICE: (304) 325-6431
FAX: (304) 325-6432