



West Virginia E-Filing Notice

CC-02-2018-F-316

Judge: Michael Lorensen

To: Raymond Boyce
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NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA
State of West Virginia v. Isac Dakuyo
CC-02-2018-F-316

The following order - case was FILED on 7/22/2019 5:24:28 AM

Notice Date: 7/22/2019 5:24:28 AM

Virginia Sine
CLERK OF THE CIRCUIT
Berkeley
380 W. South Street
MARTINSBURG, WV 25401

(304) 264-1918
belinda.parsons@courtsww.gov

In the Circuit Court of Berkeley County, West Virginia

State of West Virginia,
Plaintiff,

vs.)

Isac Dakuyo,
Defendant

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Case No. CC-02-2018-F-316

JUNE 17, 2019, DEFERRED ADJUDICATION ORDER

This matter came before the Court for a sentencing hearing on June 17, 2019. The State of West Virginia appeared by Berkeley County Assistant Prosecuting Attorney Raymond E. Boyce, Jr. The Defendant appeared in person and by counsel, Joseph R. Whiteoak III, Esq.

Whereupon the Court recalled that on March 21, 2019, the Court accepted the Defendant's no contest plea to one count of the misdemeanor offense of False Swearing, in violation of West Virginia Code § 3-9-3(a). The Court further recapitulated that on that date it did not enter the conviction because it wished to review a pre-sentence investigation report before it decided whether to grant deferred adjudication under West Virginia Code § 61-11-22a.

The Court then noted that it received and considered the pre-sentence investigation report timely prepared by the Probation Department. Prior to proceeding, the Court inquired if the parties likewise received and considered the report. Both parties answered in the affirmative, and neither party offered any objection or modification to its contents. The parties therefore voiced their desire to proceed with sentencing. Hearing no legal cause to delay, the Court heard argument from the Defendant on sentencing, as the plea agreement required the State to remain silent.

Counsel for the Defendant argued for the Court to defer adjudication in this matter pursuant to West Virginia Code § 61-11-22a for a period of two years, during which the Defendant would be required to submit to supervised probation. Counsel for the Defendant then

called a character witness on the Defendant's behalf, the Defendant's pastor. The State did not object to the calling of this witness, and the Court heard his remarks. Finally, the Defendant briefly allocuted.

Wherefore, upon full consideration of the issues in this case and the just sentence, the Court did **ORDER**, pursuant to West Virginia Code § 61-11-22a, that it will **defer adjudication** upon the Defendant's plea for **one year of supervised probation**. The Court did expressly consent to the Probation Department's supervision being as modest as the supervising officer's conscience permits. The Court cautioned the Defendant, however, that any infraction of the terms and conditions of supervised probation can result in the revocation of a deferred adjudication, entry of the Defendant's no contest plea, and the imposition of any lawful sentence. The Defendant stated that he understood.

The Court did not assess costs due to the realistic possibility that this matter will result in a dismissal.

The Court directed counsel for the Defendant to file a motion to dismiss the case upon the Defendant's successful completion of one year of supervised probation.

There being nothing further for the Court's consideration at this time, the Clerk is directed to enter the foregoing Order and transmit attested copies to all counsel of record and the Probation Department. The Clerk shall then report this matter as closed and remove it from the Court's active docket. The matter shall return to the Court's docket for disposition upon the filing of a petition to revoke the deferred adjudication or a motion to dismiss the case.

Prepared by:
/s/ Raymond E. Boyce, Jr.
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/s/ Michael Lorensen
Circuit Court Judge
23rd Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtswv.gov/e-file/ for more details.