



West Virginia E-Filing Notice

CC-10-2023-F-103

Judge: Paul M. Blake, Jr.

To: Fayette County Prosecuting Attorney
FCPAO.Public@gmail.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA

State of West Virginia v. Darrell R. Sharp II

CC-10-2023-F-103

The following order - case was FILED on 10/12/2023 3:38:15 PM

Notice Date: 10/12/2023 3:38:15 PM

Travis W. Prince
CLERK OF THE CIRCUIT COURT
Fayette County
100 North Court Street
FAYETTEVILLE, WV 25840

(304) 574-4249

In the Circuit Court of Fayette County, West Virginia

State of West Virginia,
Plaintiff,

v.

Case No. CC-10-2023-F-103
Judge Paul M. Blake, Jr.

Darrell R. Sharp, II,
Defendant

SENTENCING AND COMMITMENT ORDER

On the 18th day of September 2023, came the State of West Virginia by Ray W. Toney, Chief Assistant Prosecuting Attorney; the defendant, Darrell R. Sharp, II, appearing in person and by his counsel, E. Scott Stanton; and the Probation Department of this Court appearing by Bill Canterbury, Probation Officer, for the purpose of imposition of sentence, pursuant to the defendant's conviction, by jury trial, on April 28, 2023, to the misdemeanor offense of illegal application for registration, as charged in Count Two of Indictment No. 23-F-103.

Whereupon, the Court reviewed the Pre-Sentence Investigation Report and Addendum to the Presentence Investigation Report prepared by the Probation Department and addressed the issue of additions or corrections to said report.

The Court, thereupon, offered all parties, including the defendant, an opportunity to speak in open court prior to pronouncement of sentence. Thereupon, the defendant, counsel for the defendant, and counsel for the State addressed the Court.

After reviewing the pre-sentence investigation report, and after considering the positions of all parties, the Court took the following matters into consideration:

1. The defendant is thirty-nine (39) years old.
2. The defendant has an eighth (8th) grade education.
3. The defendant is employed by his father in his construction business.
4. The jury found the defendant not guilty of the felony offense of illegal voting and guilty of the misdemeanor offense of illegal application for registration.

5. The defendant currently has a bound over offense relating to sexual offenses.
6. The defendant's criminal history is not good.
 - a. 08-22-03 – Disorderly conduct, obstructing an officer
 - b. 08-26-04 – Domestic Battery
 - c. 10-29-04 – Conspiracy; arson in the 2nd degree, setting fire to lands (Pled to Conspiracy)
 - d. 10-02-09 – Domestic Violence EPO
 - e. 12-05-13 – Domestic Violence EPO
 - f. 01-03-13 – Domestic Violence EPO
 - g. 05-20-14 – No Operators
 - h. 09-26-14 – Domestic Battery
 - i. 06-22-18 – Domestic Violence EPO
 - j. 08-19-18 - Domestic Battery, Malicious Assault, Strangulation
7. In addition to this criminal history, the defendant has a number of domestic and child abuse offenses that were dismissed.
8. The Court notes that the defendant has a valid medical marijuana card.
9. The Court notes that the defendant owes a total of \$5,871.25 in outstanding court costs and fines.
10. The Court notes that while the defendant states he holds a master plumber certificate, he makes only \$500.00 working for his father.
11. The Court notes that the defendant has shown no remorse in this matter and is always a victim during Court proceedings.
12. The Court notes the defendant has no regard for the laws of this State and has consistently demonstrated his inability to conform his behavior to the law.

After review of the Pre-Sentence Investigation Report, arguments of counsel, and review of the entire Court file in this matter, the Court hereby **DENIES** the defendant's application for probation.

Whereupon, the Court, after giving all parties an opportunity to be heard, is of the opinion

and therefore, it is the **ORDER** and **JUDGMENT** of the Court that for the defendant's conviction of the misdemeanor offense of illegal application for registration, as charged in Count Two of Indictment No. 23-F-103, the defendant be sentenced to jail for twelve (12) months and be fined one-thousand dollars (\$1,000.00).

The effective date of this sentence shall be September 5, 2023, the defendant being credited for thirteen (13) days served while awaiting disposition of this matter.

Whereupon, the Court orally explained to the defendant his right to appeal the Court's judgment to the Supreme Court of Appeals of West Virginia.

The defendant is hereby remanded to the custody of the Sheriff of Fayette County for further execution of this sentence.

To expedite entry of this Order, any concerned parties may object to its language by filing a written objection with the Court and serving counsel of record with the same within five (5) days of entry of the order. Failure to timely file any such objection shall be deemed a waiver thereof.

It is further the **ORDER** and **JUDGMENT** of this Court that the Clerk of this Court shall complete the Court Disposition Reporting Form, DPS Form 29, and shall send the original of such form to the appropriate agency for recordation. The Clerk is further directed to forthwith send an attested copy of this Order via facsimile machine to Jonathan Huffman, Records Manager, West Virginia Division of Corrections, 304.558.8430; and shall forward certified copies of this Sentencing and Commitment Order to the West Virginia Division of Corrections, 1409 Greenbrier Street, Charleston, WV 25311, and to all parties of record.

/s/ Paul M. Blake, Jr.
Circuit Court Judge
12th 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.