

Virginia:

In the Circuit Court of the City of Richmond, John Marshall Courts Building

TRIAL AND SENTENCING ORDER

FIPS CODE: 760

Hearing Date: April 17, 2009

Judge: T. J. Markow

COMMONWEALTH OF VIRGINIA

v.

[REDACTED], DEFENDANT

This day came the defendant in the custody of the Sheriff of this City, represented by [REDACTED] counsel, **Mitchell M. Wells**. The Commonwealth was represented by **Erik R. Smith**.

The defendant was arraigned and pled **GUILTY** to Possession of a Controlled Substance with the Intent to Distribute-2<sup>nd</sup> or Subsequent Offense, in accordance with a plea agreement.

The Court, being of the opinion that the defendant fully understood the nature and effect of the plea(s) and of the penalties that may be imposed upon conviction(s) and of the waiver of trial by jury and of appeal, proceeded to hear the evidence without a jury. The Court, upon the summation of the Commonwealth's evidence, accepts the plea agreement, and finds the defendant **GUILTY** of the following offense(s):

| CASE NUMBER       | OFFENSE DESCRIPTION AND INDICATOR (F/M)  | OFFENSE DATE | VA. CODE SECTION | VCC REFERENCE |
|-------------------|--|--------------|------------------|---------------|
| CR09-F-[REDACTED] | Possession of a Controlled Substance With the Intent to Distribute-2 <sup>nd</sup> or Subsequent Offense (F) | 05/08/08     | 18.2-248(C)      | NAR-3038-F9   |

Pursuant to the provisions of Code §19.2-298.01, the Court has considered and reviewed the applicable discretionary sentencing guidelines and the guidelines worksheets. The sentencing guidelines worksheets and the written explanation of any departure from the guidelines are ordered filed as a part of the record.

Before pronouncing the sentence, the Court inquired if the defendant desired to make a statement and if the defendant desired to advance any reason why judgment should not be pronounced.

The Court **SENTENCES** the defendant to:

Incarceration with the **Virginia Department of Corrections** for the term of: **5 years**.

This sentence shall run **consecutively** with all other sentences.

The Court **SUSPENDS** the **5-year** sentence, for a period of **5 years**, upon the following condition(s):

**Good Behavior.** The defendant shall be of good behavior upon the defendant's release from confinement.

**DNA Testing.** The defendant shall submit to DNA testing pursuant to §19.2-310.2 of the Virginia Code (1950), as amended. No sample need be taken if there is already a DNA sample on file for the defendant.

**Supervised Probation.** The defendant is placed on probation to commence upon release from incarceration, under the supervision of a Probation Officer, until released by the Court or by the Probation Officer. The defendant shall comply with all the rules and requirements set by the Probation Officer. Probation shall include substance abuse counseling and/or testing as prescribed by the Probation Officer.

**Substance Abuse Assessment.** The defendant shall undergo a substance abuse assessment pursuant to §18.2-251.01 and enter a treatment and/or education program as directed by the Department of Corrections. The defendant shall pay all or part of the costs of the program, including the costs of the screening, assessment, testing, and treatment, based upon his ability to pay.

**Costs.** The defendant shall pay court costs.

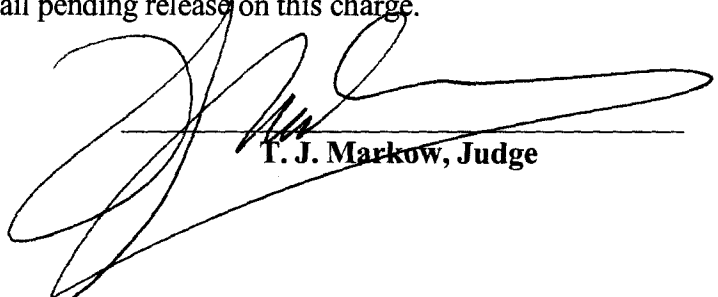
**Contraband.** It is ordered that the drugs seized in this case be destroyed by the City of Richmond Police Department in accordance with the law.

**License Suspension.** The Court suspends the defendant's motor vehicle operator's license for **6 months**.

**Waiver.** The defendant waives his/her right to ask the Commonwealth for sentence modification. [REDACTED]  
[REDACTED]

**Departure.** The defendant is remanded to jail pending release on this charge.

ENTER: 4-22-09



F. J. Markow, Judge

**DEFENDANT IDENTIFICATION:**

Alias: n/a

SSN: [REDACTED]

DOB: [REDACTED]

Sex: male

**SENTENCING SUMMARY:**

TOTAL SENTENCE IMPOSED: **5 years**

TOTAL SENTENCE SUSPENDED: **5 years**

