

IN THE MAGISTRATE COURT OF _____ COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

v. CASE NO. _____

Defendant

COMMUNITY CORRECTIONS: DIRECT SENTENCING ORDER

The Defendant having been convicted in the above-styled matter of the misdemeanor offense(s) of _____

the Court, having reviewed the file, the defendant's criminal history and listened to the arguments of the parties, is of the opinion that an alternative form of sentence would be appropriate in this case and be in the best interest of justice. Accordingly, the Court shall suspend the imposition of a sentence. to wit:

THEREFORE, in lieu of incarceration in a regional jail or a state correctional facility, the Court shall refer the defendant to the _____ County Community Corrections Program. Specifically, the Court HEREBY ORDERS the defendant's enrollment in the Community Corrections'. (please check applicable area below):

- Day Report Center Program
 Drug Court Program

It is Further ORDERED that the defendant shall report to the Community Corrections Program selected above, namely, the _____ at _____ on the _____ day of January 20 ____ The Day Report Center Drug Court is located at _____

It is Further ORDERED that failure to report to the Center or Court at the scheduled time shall constitute a violation of this order.

Section B. Personal Agreement

The defendant further understands and agrees that while involved in the County's Community Corrections Program, the defendant will abide by the following terms and conditions:

1. Not commit another federal, state, or local crime during enrollment in the program;
2. Not leave the judicial district or other specified geographic area without the permission of the Community Corrections program Supervisor or his or her designee;
3. Refrain from the use of alcohol and shall not purchase, possess, use distribute, or administer any narcotic or other controlled substance or any paraphernalia related to such substances, except as prescribed by a licensed physician;

4. Not associate with any persons engaged in a criminal activity, and shall not associate with any person convicted of a felony, unless granted permission to do so by the County's Community Corrections Program Supervisor or his or her designee;
5. Notify the County's Community Corrections Program Supervisor or his or her designee within seventy-two hours of being arrested or questioned by a law enforcement officer;
6. Not purchase or possess a firearm, destructive device, or other dangerous weapon at anytime;
7. Submit to a random urinalysis or any other drug screening method whenever the same is deemed appropriate by the County's Community Corrections Program Supervisor or his or her designee;
8. Abide by all the rules and regulations set forth by the County's Community Corrections Program. **(NOTE: Any violation of the rules and regulations of the County's Community Corrections Program will result in the County's Community Corrections Program Supervisor or his or her designee terminating my enrollment. Any such termination will result in my arrest and possible incarceration for the crimes for which I was adjudged guilty. (Note: Pursuant to West Virginia Code 62-11C-5(g), any time spent in the County's Day Reporting Community Program will not entitle the defendant to "good time" or any other reduction in sentence should the defendant be terminated from the Program and incarcerated.))**
9. The defendant shall have no contact with, or cause anyone to have contact with

while enrolled in the Community Corrections Program.

10. *(Insert any additional conditions here)* _____

Section C. Level of Supervision

(Note: this section is to be completed by the Magistrate, but only if required by the County's Community Corrections program)

Based on a review of the file, the evidence presented and the arguments of the parties, the Court HEREBY ORDERS that, while enrolled in the Community Corrections Program, the defendant be placed on the following level of supervision:

Section D. Payment

Based on the evidence presented and the arguments of parties on the defendant's ability to pay the supervision or participation fee for involvement in the County's Community Corrections Program, the Court HEREBY ORDERS the defendant shall pay a fee of _____, per _____ to the magistrate clerk to defray the cost of participation in the Program. (**Note:** *The defendant's inability to pay may result in a waiver of the obligation to pay. Accordingly, the Magistrate may insert SO in the space provided if a waiver of the fee was obtained.*)

It is Further ORDERED that _____

It is also ORDERED that _____

I have read and understand the foregoing terms and conditions of my enrollment in the County's Community Corrections Program and I agree with the Court to accept and pledge that I will abide by them.

Date

Defendant

Date

Defendant's Attorney

Date

Prosecutor

ENTER:

Date

Magistrate