

IN THE CIRCUIT COURT OF PANOLA COUNTY, MISSISSIPPI
FOR THE SECOND JUDICIAL DISTRICT

STATE OF MISSISSIPPI

vs.

CAUSE NUMBER CR2019-18JMP2

COUNT(S) 2

MATTHEW ORLANDO WILBURN

FILED
SEP 24 2019
MELISSA MEEK-PHELPS
CIRCUIT CLERK

**SENTENCING ORDER
POST RELEASE SUPERVISION
(REPORTING & NON-REPORTING)**

The Defendant, Matthew Orlando Wilburn, on this date, came before the Court for sentencing

pursuant to a (negotiated plea) to guilty of the charge of Poss. of

a controlled substance heroin (10-30 grams) in violation of Miss. Code Ann. § 41-29-139(G) 1(D)

The Defendant was represented by Nick Smith, who was present at all times with the Defendant.

The State of Mississippi was represented by Jay Hale, (Assistant) District Attorney.

The Circuit Court, therefore, adjudicates the Defendant guilty of the charge of Poss. of a controlled

substance heroin (10-30 grams) in violation of Miss. Code Ann. § 41-29-139(G) 1(D)

IT IS THEREFORE ORDERED that for said offense, the Defendant is hereby sentenced to serve a term of One (1) day incarceration in the Mississippi Department of Corrections.

IT IS FURTHER ORDERED that upon release from the term of incarceration set forth in the preceding paragraph, the said Defendant be and is hereby placed under a term of Ten (10) years of post release supervision, pursuant to the provisions of Section 47-7-34, M.C.A.

The period of post release supervision shall be served as follows: Three (3) years of reporting post release supervision, and Seven (7) years of non-reporting post-release supervision. During the period of reporting post release supervision, the Defendant is hereby placed under the supervision of the Mississippi Department of Corrections until the Court in term time, or the

174/491

Judge in vacation, shall alter, extend, terminate or direct the enforcement of said post release sentence based upon the following terms and conditions: The Defendant shall

1. Report within 24 hours of release from court or incarceration to his/her probation officer;
2. Commit no crimes;
3. Avoid injurious or vicious habits;
4. Avoid persons or places of disreputable or harmful character;
5. Report to the Department of Corrections as directed;
6. Permit the Field Supervisor to visit him at home, work, or elsewhere;
7. Work faithfully at suitable employment so far as possible;
8. Remain within the State of Mississippi unless authorized to leave on proper application therefore;
9. Support his/her dependents;
10. Waive extradition to the State of Mississippi from any state of the United States and also agree that he will not contest any effort by any state to return him to the State of Mississippi and does hereby consent to any such extradition;
11. Not own or carry, possess with him/her any weapons;
12. Pay to the Mississippi Department of Corrections such monthly reporting fees as authorized by the Laws of Mississippi; said fees to be paid monthly by certified check or money order.
13. Not have in his/her possession nor use alcoholic beverages, marijuana, narcotics, or other controlled substances of any kind and not go into, remain about or frequent places where they are dispensed or sold as a primary sale item or used unlawfully;
14. Submit to such breath, saliva, urine, or other chemical analysis as requested to detect the possible presence of narcotics, alcohol, or other prohibited substances.
15. Promptly and truthfully answer all inquiries directed to him/her by any probation or parole officer;
16. Attend and complete any special programs or counseling as directed by the Court or the supervising officer;

174/452

17. Pay the following to the Clerk of this Court:

- a. Court Costs;
- b. Fine in the amount of \$ 500 ;
- c. Crime Victim Compensation Fund in the amount of \$ 100 ;
- d. Crime Lab Fee in the amount of \$ _____ ; made payable to _____ ;
_____ ;
- e. Transportation Costs to _____ County Sheriff's Department in the amount of \$ _____ ;
- f. Restitution in the amount of \$ 125 ; made payable to Datesville
Police Department for crime lab fee ;
- Restitution in the amount of \$ 500⁰⁰ ; made payable to Panola
County Public Defender ;
- g. All assessments are due and payable at the rate of \$ 100⁰⁰ per month beginning November 1, 2019 or as follows _____ .

18. And further _____

Upon successful completion of the period of reporting post release supervision, the Defendant shall serve the balance of the post release supervision, on non-reporting post release supervision, and during this period, the Defendant shall comply with the following terms and conditions:

1. Defendant shall not unlawfully use any controlled substance.
2. Defendant shall not unlawfully possess any controlled substance.
3. Defendant shall not own, carry, or conceal a firearm.
4. Defendant shall not commit any crime.
5. Defendant shall waive extradition back to the State of Mississippi.

IT IS FURTHER ORDERED that if the Defendant fails to successfully abide by all the terms and conditions of this sentence then upon five (5) days notice to the Defendant by the District Attorney or Probation Officer of a claimed violation the Court will conduct a hearing. If the claimed violation is proven, the Court will have authority to terminate the period of post release supervision and to

incarcerate the Defendant. Procedures for termination and incarceration shall be conducted in the same manner as procedures for revocation of probation and imposition of a suspended sentence.

This sentence imposed shall run () (concurrent) to any and all sentences previously imposed.

The Defendant shall be given credit for 1 days served in custody awaiting trial on this charge, as by law required.

SO ORDERED this the 17th day of September, 2019.

Swiny McClure
CIRCUIT COURT JUDGE

A certified copy of this order has been delivered to the Defendant, who has been instructed regarding same.

[Signature]
DEFENDANT

POST RELEASE SUPERVISOR
DEPARTMENT OF CORRECTIONS

299-76-2867
SOCIAL SECURITY NUMBER

3-25-1978
DATE OF BIRTH

Ohio
PLACE OF BIRTH

White
RACE

Male
SEX

DEFENDANT'S ADDRESS
4800 Duvall Rd
Ashtville Ohio 43103

DEFENDANT'S TELEPHONE
740-977-7174

174/454