CONVICTION AND SENTENCING ORDER

VIRGINIA: IN THE CIRCUIT COURT OF HENRICO COUNTY

FEDERAL INFORMATION PROCESSING STANDARDS CODE:

Hearing Date: **January 15, 1997**
Judge: **James E. Kulp**

COMMONWEALTH OF VIRGINIA

v.

GORDON H. HARRIS, DEFENDANT

This day came the defendant, who was led to the bar in the custody of the Sheriff of this Court, and came also his attorney, **Craig Cooley, heretofore appointed**. The Commonwealth was represented by **Sharon Will**. Whereupon the defendant was arraigned on charges of **attempt forcible sodomy, abduction, indecent liberties, indecent liberties, indecent liberties, indecent liberties and indecent liberties** and after being advised by his counsel and pursuant to a written plea agreement, pleaded **guilty** to the indictments, which pleas were tendered by the defendant in person, and the Court, having made inquiry and being of the opinion that the accused fully understood the nature and effect of his pleas and of the penalties that may be imposed upon his conviction and of the waiver of the trial by jury and of appeal, and finding that the pleas were voluntarily and intelligently made, proceeded to hear and determine these cases without the intervention of a jury as provided by law.

Having heard the evidence and the argument of counsel, the Court finds the defendant guilty of the following offenses:

CASE NUMBER	OFFENSE DESCRIPTION AND INDICATOR (F/M)	OFFENSE DATE	VA. CODE SECTION
CR96-3280	attempt forcible sodomy (F)	8/10/96	18.2-67.5
CR96-3281	abduction (F)	8/10/96	18.2-48
CR96-3282	indecent liberties (F)	8/10/96	18.2-370
CR97-64	indecent liberties (F)	7/23/95	18.2-370
CR97-65	indecent liberties (F)	1/21/96	18.2-370
CR97-66	indecent liberties (F)	3/13/96	18.2-370
CR97-67	indecent liberties (F)	6/24/96	18.2-370

Pursuant to the provisions of Code § 19.2-298.C1, 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 in this case.

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: **10 years for attempt forcible sodomy; life for abduction; 5 years for indecent liberties; 5 years for indecent liberties; 5 years for indecent liberties; 5 years for indecent liberties;** and **5 years for indecent liberties.** The total sentence imposed is **35 years plus life.**

These sentences shall run **consecutively** with all other sentences.

The Court **SUSPENDS 10 years of the attempt forcible sodomy** sentence, for a period of **life; all but 8 years of the abduction** sentence for a period of **life; 5 years of the indecent liberties** sentence for a period of **life; 5 years of the indecent liberties** sentence for a period of **life; 5 years of the indecent liberties** sentence for a period of **life; 5 years of the indecent liberties** sentence for a period of **life;** and **5 years of the indecent liberties** sentence for a period of **life**, for a total suspension of **all but 8 years of life sentence plus 35 years**, upon the following condition(s):

Good behavior. The defendant shall be of good behavior for **life.**

Supervised probation. The defendant is placed on intensive probation to commence on his release from incarceration, under the supervision of a Probation Officer for **life**, or unless sooner 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. The defendant shall enroll in, participate in and successfully complete the sex offenders program at Henrico Mental Health. The defendant shall have no unsupervised contact with, nor take any photographs of any female child under the age of 18. The defendant shall have no contact whatsoever with the victims of these cases.

Costs. The defendant shall pay costs of $1881.50.

By operation of law, the defendant's privilege to operate a

motor vehicle is suspended by the Department of Motor Vehicles effective ten days from this date if the fines and court costs are not paid pursuant to Virginia Code Section 46.2-395.

Credit for time served. The defendant shall be given credit for time spent in confinement while awaiting trial pursuant to Code § 53.1-187.

The Court recommends that the defendant serve said sentence either at Marion Correctional Center or Staunton Correctional Center.

Thereupon, the defendant was remanded to the custody of the Sheriff.

The Clerk is directed to forward an attested copy of this Order to the Attorney for the Commonwealth; to Craig S. Cooley, Esquire, P.O. Box 7268, Richmond, Virginia 23221; to Probation and Parole, District #32, 4915 Radford Avenue, Suite 102, Richmond, Virginia 23230; to the Department of Corrections, Court and Legal Section, P.O. Box 26963, Richmond, Virginia 23361; and to the Virginia Criminal Sentencing Commission, 100 North Ninth Street, Richmond, Virginia 23219.

1/24/97 ENTER: James E. Kulp
DATE JUDGE

A COPY TESTE:
YVONNE G. SMITH, CLERK
DEPUTY CLERK

DEFENDANT IDENTIFICATION:

Alias: none
SSN: [redacted] DOB: [redacted] Sex: male

SENTENCING SUMMARY:

TOTAL SENTENCE IMPOSED: **35 years plus life**

TOTAL SENTENCE SUSPENDED: **35 years and all but 8 years of life sentence**

VIRGINIA:

IN THE CIRCUIT COURT OF HENRICO COUNTY

COMMONWEALTH OF VIRGINIA,

Petitioner,

v. LAW NO. 08-695

GORDON HARRIS, # 248822,

Respondent.

COMMITMENT ORDER

On the 3rd day of December, 2008, came the Petitioner, by her counsel, and the Respondent, in person and by counsel, and trial was held on the Petition to civilly commit the Respondent as a sexually violent predator pursuant to § 37.2-900, *et seq.*

UPON CONSIDERATION WHEREOF, the Court grants the Commonwealth's motion to amend the paragraph 8 of the Petition to reflect that the Respondent's predicate offense was abduction with intent to defile, and denies the Respondent's motion to dismiss. The Court also accepts the concession of the Respondent that he meets the definition of a sexually violent predator.

The Court thereupon heard evidence and argument upon the Commonwealth's motion to commit the Respondent and upon the Respondent's motion for preparation of a conditional release plan.

UPON CONSIDERATION OF THE EVIDENCE, the Court finds by clear and convincing evidence:

1. That on January 15, 1997, the Circuit Court of Henrico County sentenced the Respondent for the crimes of abduction with intent to defile, attempted forcible sodomy and five (5) counts of indecent liberties.

2. That abduction with intent to defile is a sexually violent offense as defined by § 37.2-900;

3. That the Respondent has a mental abnormality and a personality disorder within the meaning of § 37.2-900;

4. That because of the Respondent's mental abnormality and personality disorder, the Respondent finds it difficult to control his predatory behavior, which makes him likely to engage in sexually violent acts; and, therefore,

5. That the Respondent is a sexually violent predator as defined by § 37.2-900.

FURTHERMORE, upon consideration of the evidence submitted and the arguments of counsel, and pursuant to § 37.2-908(D) and § 37.2-912, the Court finds by clear and convincing evidence that alternatives to involuntary secure inpatient treatment and hospitalization have been investigated and deemed unsuitable; that the Respondent is at the highest risk to re-offend in a sexually violent manner; and that there is no less restrictive alternative to involuntary secure inpatient treatment and hospitalization, it is therefore

ADJUDGED, ORDERED AND DECREED:

A. That the Respondent's motion for a conditional release plan to be prepared is DENIED;

B. That the Respondent be committed to the custody of the Department of Mental Health, Mental Retardation and Substance Abuse Services ("DMHMRSAS") for appropriate treatment and confinement in a secure facility designated by the Commissioner of DMHMRSAS;

C. That the Virginia Department of Corrections ("VDOC") shall return the Respondent to his place of confinement to be finally processed and shall transport the Respondent to a secure facility designated by the Commissioner of DMHMRSAS;

D. That the Commissioner of DMHMRSAS, and the employees and staff of the secure facility designated by the Commissioner may share the Respondent's treatment and confinement status, information, plans, progress, and compliance with the Office of the Attorney General;

E. That on December 4, 2009, at 10:00 a.m., the Court will conduct an annual review of the Respondent's commitment pursuant to § 37.2-910;

F. That the Commissioner of DMHMRSAS shall provide a report to the Court, the Office of the Attorney General, and the Respondent's attorney, no later than sixty (60) days prior to the annual review hearing, re-evaluating the Respondent's condition and recommending treatment pursuant to § 37.1-910(B);

G. That the appointment of the Respondent's attorney is deemed to be continuing in this matter; and

H. That the Respondent remains under the jurisdiction of this Court and shall not be released from the custody of the Commissioner of DMHMRSAS

and inpatient treatment and hospitalization without further Order of this Court.

It is further ORDERED that the Clerk shall send an attested copy of this Order to counsel for the parties, the Director of VDOC, and the Commissioner of DMHMRSAS, and the Central Criminal Records Exchange, Post Office Box 27472, Richmond, Virginia 23261, and shall note the date of such mailing.

ENTER: 1 / 5 / 09

A COPY TESTE:
YVONNE G. SMITH, CLERK
DEPUTY CLERK

The Honorable Burnett Miller, III
Judge

I ASK FOR THIS:

p.q.

Pamela A. Sargent
Senior Assistant Attorney General
And Section Chief
Sexually Violent Predators Civil
Commitment Section
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VSB # 16687

SEEN AND OBJECTED TO:

p.d.

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VSB # 34625

ASSIGNMENTS OF ERROR

1. Gordon Harris assigns error to the denial of the Motion to Dismiss.

2. Gordon Harris assigns error to the trial court permitting the amendment of the Petition to state a predicate offense of abduction with intent to defile.