

**IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA**  
**STATE OF WEST VIRGINIA**

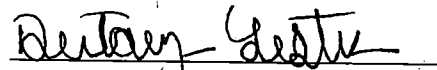
**VS.**

**INDICTMENT NO. 25-F-397**

**DESTANY HOPE LESTER,**

**PLEA OF GUILTY**

I, Destany Hope Lester, having been accused in an indictment returned by the September, 2025, Term of the Grand Jury of the Circuit Court of Raleigh County, or filed by the Prosecuting Attorney on September 8<sup>th</sup>, 2025, of committing the offense(s) of Count One (1) Driving Impaired Causing Death, in violation of Chapter 17C, Article 5, Section 2(b) of the Code of West Virginia, Count Two (2) Possession of a Controlled Substance, in violation of Chapter 60A, Article 4, Section 401( c) of the Code of West Virginia, Count Three (3) Underage Consumption, in violation of Chapter 11, Article 16, Section 19 of the Code of West Virginia, Count Four (4) Possession of Alcoholic Beverages, in violation of Chapter 60A, Article 3 of the Code of West Virginia, desire to enter a plea of guilty to the offense(s) of **Count One (1) Driving Impaired Causing Death and Count Two (2) Possession of a Controlled Substance**, a (all) provable offense(s) as contained in said indictment.

  
DEFENDANT

I confirm that I am aware of, and have been explained to me, the following rights:

That I have the right to hire a lawyer of my choice and that, if I cannot afford to hire a lawyer, the Court will appoint a lawyer qualified in the handling of criminal matters to defend me without any cost to me;

That I have a right to consult with my lawyer and have him advise me and prepare a defense for me;

That if I plead not guilty, I will receive a public trial by an impartial jury of twelve (12) persons, but if I plead guilty, I will not receive a jury trial;

That I have the right to require the State of West Virginia prove its case against me beyond a reasonable doubt;

That I have the right to remain silent and say nothing at all during the proceedings in this case;

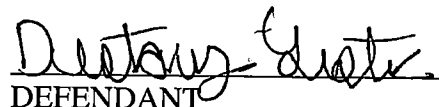
That I have the right to confront my accusers and cross examine them and have my lawyer cross examine them;

That I have the right to testify in my own defense and to present witnesses in my own defense;

That in the event I am convicted by a jury, I have the right to petition the West Virginia Supreme Court of Appeals for an appeal of said conviction for any errors of law made by the Trial Court;

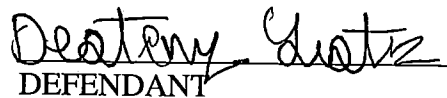
That I have the right to ask the Court to suppress any illegally obtained evidence and illegally obtained confessions, if any; and

That I have the right to challenge in the Trial Court, and on appeal, all pretrial proceedings, but by pleading guilty, I waive all pretrial defects with regard to, among others, my arrest, the gathering of evidence against me and prior confessions, as well as all non-jurisdictional defects in this criminal proceedings.

  
DEFENDANT

Having read and understood all of my foregoing rights and further knowing and understanding that any plea bargaining which appears in the record of this case is not binding upon the Court with respect to punishment or probation and understanding in the event that I should plead guilty to the offense(s) of **Count One (1) Driving Impaired Causing Death** and **Count Two (2) Possession of a Controlled Substance**, I could be sentenced to the maximum penalty provided by law: "For Count One (1) Driving Impaired Causing Death - not less than three (3) nor more than fifteen (15) years, and a fine not less than One Thousand Dollars (\$1,000.00) nor more than Three Thousand Dollars (\$3,000.00). For Count Two (2) Possession of a Controlled Substance - not less than ninety (90) days nor more than six (6) months, a fine up to One Thousand Dollars (\$1,000.00), or both. Sentencing will be left in the sole discretion of the Court. The Assistant Prosecuting Attorney will stand silent as to sentencing. Full restitution and court costs will be assessed." Knowing and understanding this information it is still my intention and desire to enter a plea of guilty.

Therefore, in the presence of Stacey L. Fragile, my lawyer, who has, to my complete and total satisfaction, represented, advised and consulted with me in this case and who has fully explained the nature and meaning of the charge(s) contained in the indictment against me and having received and read a copy of the indictment before being called upon to plead, still maintain my intent and desire to enter this plea of guilt.

  
DEFENDANT

I hereby enter a plea of guilty to the felony offense(s) of **Count One (1) Driving Impaired Causing Death and Count Two (2) Possession of a Controlled Substance** a (all) provable offense(s) as contained in said indictment.

I have further been advised by my lawyer, and I understand that the plea agreement in my case is, pursuant to Rule 11, WV Rules of Criminal Procedure, a ("Type B") agreement. I also know and understand, having been advised by my attorney, the difference between the two types of agreements.

DATE: 12/8/25

Duane Gustz  
Defendant

[Signature]  
Counsel for the State

[Signature]  
Counsel for the Defendant