

TABLE OF CONTENTS

Document	Page
Certified Docket Sheet.....	0001
12-02-16 Request for appointment of Special Prosecutor from County Assistant Prosecutor Keith McMillion.....	0007
12-02-16 Request of Judge Dent for Special Prosecutor.....	0009
12-02-16 Order of Disqualification of the Office of the Pocahontas County Prosecuting Attorney.....	0011
12-15-16 Two judge's orders to seal <i>ex parte</i> letters.....	0013
12-15-16 Letter from Judge Dent to Accuser concerning <i>ex parte</i> communication received.....	0017
12-16-16 Order of Appointment of Special Prosecutor.....	0019
08-14-18 Trial Transcript.....	0021
Nine Defense exhibits:	
Email from Defendant's wife Lana Williams to Garland DeCourcy of 10/05/15.....	0213
Termination of work contract of 10/26/15.....	0219
Letter from Will Williams to Garland DeCourcy of 10/26/15.....	0221
Defendant's statement taken on 10/31/15 by WV State Trooper (WVST) Brock.....	0223
Accuser's statement taken on 10/31/15 by WVST Brock.....	0225
Action taken Form from WVST Brock.....	0227
Report of Deputy B.L.Kelly, including Accuser's and her main witness in MC Michael Oljaca's written statements of 12/02/15.....	0231
Accuser's one article of nearly 10,000 words, showing motive for her false battery claim against Defendant -- from her blog about the case of more than 250,000 words.....	0235
Prosecution witness/Accuser's roommate Bob DeMarais's Internet forum post.....	0243
Two State exhibits:	
Eight photographs of Accuser's neck.....	0247
Defendant's email correspondence with Accuser's main witness MC Michael Oljaca.....	0263
08-16-18 Post trial order.....	0267
10-10-18 Probation Officer Robert Tooze's Pre-Sentencing Recommendation Report.....	0271
09-17-18 Letter to PO Tooze from Defendant's wife, Lana, attached to Tooze's Report.....	0279
09-29-18 Accuser's Victim Impact Statement (VIS) as part of Robert Tooze's report.....	0281
10-10-18 Counsel Laura Finch's Motion to withdraw.....	0295
02-20-19 Judge's Order denying Counsel's Motion to withdraw (delayed filing, 5 months).....	0299
10-10-18 First sentencing hearing transcript.....	0301
02-07-19 Motion for new trial by Counsel Laura Finch.....	0311
02-08-19 Amendment to Motion for new trial, drawn by Defendant.....	0315
02-08-19 Emails from Defendant and wife Lana to Laura Finch as attachment for Defendant's Amendment.....	0317
02-08-19 Primary witness's sworn Affidavit as attachment for Defendant's Amendment.....	0319
02-08-19 Motion to unseal three <i>ex parte</i> letters by Counsel Laura Finch.....	0325
02-08-19 Motion for hearing regarding VIS by Counsel Laura Finch.....	0329
02-12-19 Second sentencing hearing transcript.....	0331
02/25/19 Final order of 12/25/19, combining judgments on three post trial motions.....	0371

STATE OF WEST VIRGINIA

VS. WILLIAM WHITE WILLIAMS

LINE DATE ACTION

1 05/09/16 MAGISTRATE COURT APPEAL OF CASE 15-M38M-000687 RCVD ALONG W/
2 MAGISTRATE CK #005866 IN THE AMT OF \$2,000 AND CK #005865 IN
3 THE AMT OF \$1,000 AS CASH BOND. MATTER TENTATIVELY SET FOR
4 "INTIAL PRE-TRIAL" ON 7-1-16 AT 11:15 AM.
5 06/28/16 NOTICE OF APPEARANCE FILED BY LAURA FINCH ESQ.
6 06/28/16 MOTION TO CONTINUE FILED BY LARUA FINCH ESQ.
7 06/30/16 AGREED ORDER GRANTING MOTION TO CONTINUE ENTERED; HRG CONTINUED
8 06/30/16 UNTIL 8/5/16 AT 10:15 AM
9 08/05/16 INITIAL PRE-TRIAL CONFERENCE: PRESENT: DEF WITH COUNSEL
10 08/05/16 LAURA FINCH. MS FINCH ASKS FOR NON JURY TRIAL TO BE SET.
11 STATE DOES NOT OBJECT TO OPEN FILE POLICY SINCE DEF'S COUNSEL
12 IS NEW TO THIS MATTER. MATTER SET FOR "NON-JURY TRIAL" ON
13 10-26-16 AT 1:00 PM. **ORDER ENTERED**
14 09/07/16 ORDER ENTERED MOVING THE NON-JURY TRIAL OF 10/26/16 TO 12/15/16
15 09/07/16 AT 9:15 A.M.
16 09/26/16 RECEIPT #33363 ISSUED TO DEMARAIS ROBERT IN THE AMT OF \$2.00 FOR
17 COPY FEES
18 10/28/16 ORDER ENTERED SETTING "STATUS HRG" FOR 11-2-16 AT 9:30 AM.
19 10/28/16 ORDER FWD TO G. DECOURCY BY SHF AND BY FIRST CLASS MAIL AND TO
20 LAURA FINCH.
21 11/02/16 STATUS CONFERENCE-PRESENT: LAURA FINCH, DEF NOT PRESENT-
22 11/02/16 APPEARING BY PHONE. GARLAND DECOURCY PRESENT. MS FINCH ASKS
23 THAT KRISTOPHER FAERBER APPEAR BY PHONE FOR MS. DECOURCY.
24 COURT ALLOWS APPEARING BY PHONE DUE TO AGREEMENT OF PARTIES.
25 COURT HAS RECEIVED EX-PARTE COMMUNICATION FROM VICTIM AND
26 EXPLAINS THAT THE COURT SHOULD NOT RECEIVE THIS BUT RATHER
27 COUNSEL OF RECORD. THE COMMUNICATION WILL BE DISTRIBUTED
28 TO COUNSEL OF RECORD. MATTER REMAINS FOR BENCH TRIAL SET
29 ON 12-15-16 AT 9:15 AM.
30 11/02/16 CERTI OF PERSONAL SERVICE RETURNED BY PCSO FOR GARLAND DECOURCY
31 DATED 11-1-16 RCVD.
32 12/02/16 REQUEST OF THE OFFICE OF PROSECUTING ATTORNEY OF POCAHONTAS CO
33 FOR SPECIAL PROSECUTOR FILED. REQUEST OF JUDGE DENT FOR SPECIAL
34 PROSECUTOR FILED.
35 12/02/16 ORDER ENTERED DISQUALIFYING THE OFFICE OF THE PROSECUTING ATTY
36 FOR POCAHONTAS COUNTY. ORDER/REQUEST FWD TO PHILIP MORRISON,
37 DIRECTOR OF THE WV PROSECUTING ATTY INSTITUTE, ON 12-5-16.
38 12/05/16 CONFIRMATION FOR E-MAIL OF ORDER AND REQUEST.
39 12/12/16 RECEIPT #33533 IN THE AMT OF \$1.00 ISSUED TO ROBERT DEMARIS FOR
40 COPY FEE.
41 12/14/16 ORDER OF CONTINUANCE ENTERED CONTINUING BENCH TRIAL UNTIL A
42 12/14/16 SPECIAL PROSECUTOR HAS BEEN APPOINTED.
43 12/15/16 EX-PARTE COMMUNICATION FROM GARLAND DECOURCY TO JUDGE JENNIFER P
44 DENT ON OCTOBER 6, 2016 RCVD & SEALED PURSUANT TO ORDER OF
45 12-14-16.
46 12/15/16 ORDER ENTERED 12-14-16 CONCERNING EX-PARTE COMMUNICATION OF
47 12/15/16 10-6-16 FROM GARLAND DECOURCY ORDERING SUCH TO BE SEALED IN
48 COURT FILE. (COPIES OF EX-PARTE COMMUNICATIONS HAVE BEEN
49 PROVIDED TO COUNSEL OF RECORD BY THE COURT PURSUANT TO JUDGE
50 LETTER OF 12-14-16)

STATE OF WEST VIRGINIA

VS. WILLIAM WHITE WILLIAMS

LINE DATE ACTION

51 12/15/16 EX-PARTE COMMUNICATION FROM GARLAND DECOURCY TO JUDGE JENNIFER P
52 DENT DATED 11-28-16 SEALED IN COURT FILE PER ORDER OF 12-14-16.
53 (PROVIDED TO LAURA FINCH & WV PROSECUTING ATTY INSTITUTE PER
54 ORDER OF 12-14-16)
55 12/15/16 ORDER ENTERED FILING EX-PARTE COMMUNICATION OF 11-28-16 UNDER
56 12/15/16 SEAL IN COURT FILE.
57 12/15/16 LETTER DATED 12-14-16 FROM JUDGE DENT TO GARLAND DECOURCY
58 CONCERNING EX-PARTE COMMUNICATION RCVD.
59 12/16/16 ORDER ENTERED OF APPOINTMENT OF PATRICK VIA AS SPECIAL
60 12/16/16 PROSECUTOR.
61 12/16/16 APPOINTMENT OF SPECIAL PROSECUTOR RCVD FROM THE WV PROSECUTING
62 ATTORNEYS INSTITUTE.
63 12/16/16 ORDER ENTERED SETTING HEARING FOR PRE-TRIAL ON 2/1/17 AT 1:00
64 12/16/16 P.M.
65 12/23/16 RECEIPT #33568 ISSUED TO ROBERT DEMARAIS IN THE AMT OF \$3.00 FOR
66 COPY FEES
67 12/29/16 RECEIPT #33573 ISSUED TO ALAN BALOUGH IN THE AMT OF \$5.00 FOR
68 COPY FEES
69 02/01/17 PRE-TRIAL CONFERENCE-PRESENT: DEF APPEARING BY PHONE, COUNSEL
70 LAURA FINCH, SPECIAL PROSECUTOR BRITT LUDWIG. DEFENSE HAS NO
71 OBJECTION TO EX-PARTE COMMUNICATION FROM GARLAND DECOURCY SINCE
72 IT IS SEALED IN THE FILE. ALL DISCOVERY IS NOT IN. MATTER
73 SET FOR 5-17-17 AT 11:00 AM FOR "PRE-TRIAL CONFERENCE". NON-
74 JURY TRIAL SET FOR 6-1-17 AT 1:00 PM.
75 05/18/17 AGREED ORDER GRANTING MOTION TO CONTINUE HEARING OF 5/17/17 TO
76 05/18/17 5/24/17 AT 2:00 P.M.
77 05/24/17 PRE-TRIAL CONFERENCE-PRESENT: PATRICK VIA-SPECIAL PROSECUTOR,
78 DEF WITH COUNSEL LAURA FINCH. MS FINCH ASKS FOR CONTINUANCE OF
79 NON-JURY TRIAL SET FOR JUNE 1, 2017. STATE DOES NOT OBJECT.
80 MATTER CONTINUED TO 6-21-17 AT 2:00 PM.
81 06/21/17 AGREED ORDER ENTERED CONTINUING BENCH TRIAL OF 6-21-17 TO
82 06/21/17 9-27-17 AT 2:00 PM.
83 09/27/17 NON-JURY TRIAL-PRESENT: SPECIAL PROSECUTOR PATRICK VIA,
84 09/27/17 LAURA FINCH, WILLIAM WILLIAMS. WITNESSES SWORN TO TESTIMONY
85 BY THE CLK. MS. FINCH RELATES-MR. WILLIAMS IS ENTITLED TO TRIAL
86 DE NOVO. TWO ISSUES ARISE-TESTIMONY OF INDIVIDUAL WHO DID NOT
87 TESTIFY IN THE MAGISTRATE COURT RECORD FOR THE DEF AND
88 PRESENTMENT OF EVIDENCE WHICH WAS NOT PRESENTED IN MAGISTRATE
89 COURT CASE. PATRICK VIA DOES NOT OBJECT. COURT CONTINUES
90 MATTER FOR "PRE-TRIAL" ON 11-29-17 AT 2:30 PM. *ORDER ENTERED*
91 09/27/17 TRIAL WITNESS LIST FILED.
92 11/29/17 PRE-TRIAL CONFERENCE-PRESENT: SPECIAL PROSECUTOR PATRICK VIA
93 AND WILLIAM WILLIAMS APPEARING BY CONFERENCE PHONE, LAURA FINCH.
94 MATTER SET FOR NON-JURY TRIAL ON 2-9-18 AT 9:00 AM. MR VIA TO
95 PREPARE ORDER.
96 04/24/18 FAXED MOTION TO AMEND CRIMINAL COMPLAINT FILED BY PATRICK VIA,
97 GREENBRIER CO. PROS. ATTY.
98 04/27/18 ORIGINAL MOTION TO AMEND CRIMINAL COMPLAINT FILED BY PATRICK
99 VIA, GREENBRIER CO. PROS. ATTY.
100 05/04/18 AGREED ORDER GRANTING MOTION TO CONTINUE HRG OF 4-26-18 AND A

STATE OF WEST VIRGINIA

VS. WILLIAM WHITE WILLIAMS

LINE DATE ACTION

101 05/04/18 HEARING ON "PRE-TRIAL MOTIONS" IS SET FOR 5-25-18 AT 1:30 PM;
102 FURTHER ORDERED THAT BENCH TRIAL SET FOR 5-24-18 IS CONTINUED TO
103 6-22-18 AT 9:30 AM.

104 05/15/18 RECEIPT #34584 ISSUED TO ALAN BALOGH IN THE AMT OF \$2 FOR COPIES
105 05/25/18 PRE-TRIAL MOTIONS HRG: DEFENDANT WILLIAM WILLIAMS PRESENT WITH
106 05/25/18 COUNSEL LAURA FINCH. PATRICK VIA GREENBRIER CO. PROS. ATTY
107 APPEARED BY PHONE. COURT GRANTS PATRICK VIA'S MOTION TO AMEND
108 COMPLAINT. PRE-TRIAL SET ON DOCKET FOR 6/13/18 AT 11:45 A.M.
109 DISCOVERY DUE PRIOR TO DATE OF PRE-TRIAL. TRIAL TO REMAIN ON
110 COURT DOCKET FOR 6/22/18 AT 9:30 A.M. PATRICK VIA TO PREPARE
111 ORDER FROM THIS HEARING. *ORDER ENTERED*

112 06/01/18 RECEIPT #34610 ISSUED TO ROBERT DEMARAIS IN THE AMT OF \$1.00
113 FOR COPY FEES

114 06/13/18 PRE-TRIAL CONFERENCE-PRESENT: SPECIAL PROSECUTOR PATRICK VIA,
115 06/13/18 LAURA FINCH. STATE ASKS FOR CONTINUANCE OF MATTER DUE TO
116 STATE'S OWN SCHEDULE. DEFENSE DOES NOT OBJECT. MATTER
117 CONTINUED TO "PRE-TRIAL CONFERENCE" ON 7-25-18 AT 11:30 AM.
118 NON-JURY TRIAL REMOVED FROM 6-22-18 & RESCHEDULED TO 8-9-18 AT
119 1:00 PM. **ORDER ENTERED**

120 07/25/18 PRE-TRIAL CONFERENCE-PRESENT: SPECIAL PROSECUTOR PATRICK VIA,
121 07/25/18 DEF WITH COUNSEL LAURA FINCH. STATE RELATES THAT MATTER IS
122 READY FOR TRIAL. STATE HAS FIVE WITNESSES, DEFENSE HAS TWO OR
123 THREE. NON-JURY TRIAL SET FOR 8-9-18 MOVED TO 8-14-18 AT 9:30
124 AM TO ALLOW MORE TIME FOR WITNESSES. *ORDER ENTERED*

125 08/08/18 DEFENSE REQUEST FOR SUBPOENA TO ISSUE RCVD ALONG W/FINCH OFFICE
126 CK #2192 IN THE AMT OF \$25.50 PAYABLE TO CIRCUIT COURT.
127 SUBPOENA ISSUED FOR TPR DAMON BROCK & FWD TO PCSD FOR SERVICE.

128 08/08/18 CLK'S RECEIPT #34729 ISSUED TO LAURA M. FINCH, ESQ, IN THE AMT
129 OF \$25.50 FOR ISSUANCE/PROCESS OF SUBPOENA.

130 08/10/18 RETURN OF SUB SERVICE FOR TPR. DAMON BROCK SERVED ON KAREN
131 DUNBRACK ON 8/9/18 BY PCSD.

132 08/14/18 NON-JURY TRIAL WITNESS LIST FILED.

133 08/14/18 NON-JURY TRIAL-PRESENT: SPECIAL PROSECUTOR PATRICK VIA,
134 08/14/18 DEF, DEFENSE COUNSEL LAURA FINCH. WITNESSES SWORN BY CLK BEFORE
135 EACH TESTIMONY. STATE'S EXHIBITS 1 THROUGH 9 ADMITTED INTO
136 EVIDENCE. DEFENSE EXHIBITS 1 THROUGH 10 ADMITTED INTO EVIDENCE.
137 DEFENDANT IS CHARGED WITH BATTERY. DEFENSE ASKS FOR ACQUITTAL
138 BECAUSE OF DISCREPANCIES WITH MAIN WITNESS. COURT DOES NOT FIND
139 EVIDENCE TO BE INSUFFICIENT AND DENIES MOTION. MR. WILLIAMS
140 TAKES THE WITNESS STAND AND RELATES HE IS CHAIRMAN OF THE
141 NATION ALLIANCE SINCE OCT. 2014 AND PRESIDENT AND TREASURER OF
142 THE BOARD OF DIRECTORS. HE HAS SPENT HIS TIME IN TENNESSEE
143 WHERE THE OPERATION OF VANGUARD BOOKS IS. UPON REVIEW OF ALL
144 TESTIMONY AND EVIDENCE AND AFTER CLOSING ARGUMENTS OF COUNSEL,
145 THE COURT FINDS THE DEF GUILTY OF BATTERY. "SENTENCING &
146 DISPOSITION" SET FOR 10-10-18 AT 10:00 AM. MATTER REFERRED TO
147 PROBATION OFFICE FOR PRE-SENTENCE INVESTIGATION REPORT. DEFENSE
148 ASKS FOR BOND TO REMAIN AND THAT DEF MAY CONTINUE TO RESIDE IN
149 TENNESSEE. COURT WILL ALLOW THE BOND TO REMAIN WITH THE
150 CONDITIONS THAT DEF IS TO REMOVE ALL POSTS ON INTERNET REGARDING

STATE OF WEST VIRGINIA

VS. WILLIAM WHITE WILLIAMS

LINE DATE ACTION

151 VICTIM AND CHILDREN AND DEF IS TO HAVE NO CONTACT W/SAME. *ORDER
152 08/14/18 STATE EXHIBITS: ADMITTED INTO EVIDENCE. SEALED IN COURT FILE.
153 #1 THROUGH #8-PHOTOGRAPHS OF VICTIM'S NECK;
154 #9 - E-MAIL FROM WILL WILLIAMS TO MICHAEL OLJACA DATED 9-4-16.
155 08/14/18 DEFENSE EXHIBITS: ADMITTED INTO EVIDENCE. SEALED IN COURT FILE
156 #1 - DEF'S STATEMENT TAKEN ON 10-31-18 BY TRP DM BROCK;
157 #2 - DEF'S WRITTEN STATEMENT OF 12-2-16;
158 #3 - TERMINATION OF WORK CONTRACT;
159 #4 - INTERNET POSTINGS;
160 #5 - BOB DEMARAIS POST;
161 #6 - LETTER FROM WILLIAM WILLIAMS TO GARLAND DECOURCY DATED
162 10-26-15;
163 #7 - STATEMENT OF DEF ON 10-31-15;
164 #8 - E-MAIL FROM MICHAEL OLJACA TO KRIS FAERBER DATED 9-6-16;
165 #9 - E-MAIL FROM SVETLANA WILLIAMS TO GARLAND DECOURCY DATED
166 10-30-15;
167 #10 - ACTION TAKEN FORM FROM TPR DM BROCK.
168 10/10/18 SENTENCING & DISPOSITION-DEF WILLIAM WILLIAMS PRESENT WITH
169 COUNSEL LAURA FINCH, SPECIAL PROSECUTOR PATRICK VIA, PROBATION
170 OFFICER ROBERT TOOZE. PRE-SENTENCE INVESTIGATION REPORT TENDERED
171 TO THE COURT. MS FINCH ASKS THAT SHE BE WITHDRAWN FROM MATTER.
172 COURT DENIES MOTION TO WITHDRAW AND MATTER RESCHEDULED FOR
173 "SENTENCING & DISPOSITION" ON 12-5-18 AT 10:00 AM.
174 10/10/18 MOTION TO WITHDRAW FILED BY LAURA FINCH ALONG WITH CERTIFICATE
175 UPON MOTION TO WITHDRAW.
176 12/06/18 ORDER ENTERED RESCHEDULING HEARING THAT WERE MOVED FROM 12/05/18
177 12/06/18 PURSUANT TO THE DECLARATION BY THE GOVERNOR OF THE STATE OF WV.
178 12/28/19 ORDER ENTERED CONTINUING THE SENTENCING HEARING OF 1/3/19 TO
179 12/28/19 2/12/19 AT 9:30 A.M.
180 02/07/19 DEF'S MOTION FOR NEW TRIAL, DEF'S MOTION TO UNSEAL EX-PARTE
181 COMMUNICATIONS AND MOTION FOR HEARING REGARDING VICTIM IMPACT
182 STATEMENT FILED BY COUNSEL LAURA M. FINCH.
183 02/08/19 AMENDMENT FOR MOTION FOR NEW TRIAL FILED BY WILLIAM WILLIAMS
184 FWD TO JUDGE DENT.
185 02/12/19 SENTENCING AND DISPOSITION-PRESENT: DEF WITH COUNSEL LAURA
186 02/12/19 FINCH, ROBERT TOOZE-PROBATION OFFICER, SPECIAL PROSECUTOR-
187 PATRICK VIA. DEFENSE BRINGS ON MOTION TO UNSEAL EX-PARTE
188 COMMUNICATION. STATE REMAINS NEUTRAL. COURT DENIES MOTION.
189 DEF'S MOTION FOR NEW TRIAL-STATE BELIEVES THAT SUFFICIENT
190 TESTIMONY WAS HEARD AND RELATES THAT COUNSEL FOR DEFENDANT WAS
191 EFFICIENT IN HER REPRESENTATION FOR DEF. COURT DENIES MOTION
192 FOR NEW TRIAL. DEF'S MOTION FOR HEARING CONCERNING VICTIM'S
193 IMPACT STATEMENT IS DENIED. DEF GIVEN THE OPPORTUNITY BY THE
194 COURT TO RESPOND TO QUESTIONS ACCORDING TO STATUTE IN THE
195 VICTIM'S IMPACT STATEMENT. VICTIM IS NOT PRESENT TODAY.
196 DEF RESPONDS. COURT ACCEPTS RECOMMENDATIONS OF PRE-SENTENCE
197 REPORT BY PROBATION DEPT. COURT SENTENCES DEF TO SIX MONTHS
198 IN REGIONAL JAIL. SENTENCE PARTIALLY SUSPENDED AND DEF SHALL
199 DISCHARGE TWENTY DAYS IN REGIONAL JAIL LESS 2 DAYS FOR TIME
200 SERVED AND THE REMAINDER SHALL BE DISCHARGED ON PROBATION WITH

STATE OF WEST VIRGINIA

VS. WILLIAM WHITE WILLIAMS

LINE DATE ACTION

201 THE ADDED CONDITION THAT DEF COMPLETE ANGER MANAGEMENT
202 COUNSELING. DEF IS REMANDED. DEF IS ASKING FOR POST-CONVICTION
203 BOND AND APPEAL. STATE OBJECTS TO POST-CONVICTION BOND.
204 COURT DENIES BOND AND IMPOSES SENTENCE. *ORDER*
205 02/12/19 CIRCUIT COURT JAIL COMMITMENT ORDER ENTERED WHEREIN DEF SHALL
206 02/12/19 SERVE 20 DAYS IN REGIONAL JAIL (LESS TWO DAYS TIME SERVED).
207 SAME FAXED TO WVDOCR, TVRJ & PCSD.
208 02/12/19 FINAL ORDER ENTERED
209 02/27/19 ORIGINAL TRANSCRIPT OF PROCEEDINGS HELD IN NON-JURY TRIAL ON
210 2-12-19 FILED BY ANNE R. OWENS, CCR.
211 02/27/19 ORIGINAL TRANSCRIPT OF EXCERPT OF PROCEEDINGS HELD IN NON-JURY
212 TRIAL ON 2-12-19 FILED BY ANNE R. OWENS, CCR.
213 02/27/19 ORIGINAL TRANSCRIPT OF EXCERPT OF PROCEEDINGS IN ORIGINAL
214 SENTENCING HEARING ON 10-10-18 FILED ANNE R. OWENS, CCR.
215 03/19/19 ORDER ENTERED RELEASING BONDS IN THIS MATTER HERETOFORE POSTED
216 03/19/19 BY THE DEF.
217 03/20/19 ORDER ENTERED FROM THE HEARING HELD ON 10/10/18 SCANNED ON LINE
218 168 WITH NOTES.
219 03/21/19 RETURN OF CASH BOND IN THE AMT OF \$1,000 TO PAUL S. DETCH, ESQ
220 BY CLK'S CK #2218.
221 03/21/19 RETURN OF CASH BOND IN THE AMT OF \$2,000 TO WILLIAM WILLIAMS II
222 BY CLK'S CK #2219.
223 03/25/19 COPY OF NOTICE OF APPEAL TO THE SUPREME COURT OF APPEALS OF WV
224 RCVD.
225 03/28/19 CONFIRMATION OF BOND BEING RECEIVED RETURNED BY WILLIAM WILLAMS.
226 04/01/19 CLK'S CHECK #2218 FOR PAUL DETCH RETURNED BY P.O. MARKED "RETURN
227 TO SENDER UNABLE TO FOWARD" MAILED BACK OUT OF MR. DETCH AT THE
228 ADDRESS OF 895 COURT ST. NORTH LEWISBURG, WV 24901.
229 04/06/19 STATEMENT OF COSTS IN THE AMOUNT OF \$317.00 PREPARED BY CLK AND
230 FWD TO WILLIAM WILLIAMS. COSTS ASSESSED.
231 04/04/19 ORIGINAL TRANSCRIPT OF PROCEEDINGS HELD ON 8-14-18 BEFORE THE
232 HONORABLE JENNIFER P. DENT FILED BY ANNE R. OWENS, RPR.
233 04/12/19 CONFIRMATION OF BOND BEING RECEIVED BY PAUL DETCH, ESQ.
234 05/03/19 ORIGINAL CDR COMPLETED AND FWD TO CIB/RECORDS.

A TRUE COPY, Certified this 15th
day of May, 2019
Connie M. Carr, Clerk
POCAHONTAS COUNTY CIRCUIT/FAMILY COURT
Martinton, West Virginia 24954
By Cindy D. Bever Deputy

REQUEST FOR APPOINTMENT OF SPECIAL PROSECUTOR INFORMATION SHEET

Information provided by:

☒ Prosecuting Attorney
☐ Circuit Court Judge

State of West Virginia

v.

WILLIAM WILLIAMS

Case No.: 16-M-AP-01(D)

Magistrate Case No.: 15-M38M-00687

County: Pocahontas

State the facts that form the basis for Prosecutor disqualification: The Pocahontas County Prosecuting Attorney's Office has a conflict pursuant to Rule 1.1 and Rule 1.3 of the Rules of Professional Conduct. The Pocahontas County Prosecutor's Office cannot effectively represent its client (the State of West Virginia) in this matter, due to a key witness having an irrevocable opinion that said Office and law enforcement officers of the County are not adequately addressing her concerns. As a result, her cooperation with our Office is now non-existent, and said witness has made a written request to the Circuit Court of Pocahontas County for the appointment of a Special Prosecutor to conduct further investigations and prosecutions.

Specify the Rule of Professional Conduct, ethics opinion, WV Supreme Court case cite, statute or other authority that forms the legal basis for disqualification of the Prosecutor:
West Virginia Code §7-4-6; Rule 1.1 and Rule 1.3 of the Rules of Professional Conduct.

Summarize the facts of the underlying offense for which Special Prosecutor is requested: The Defendant was charged with One (1) count of battery on September 30, 2015. The Defendant was found guilty of battery in the Pocahontas County Magistrate Court on April 25, 2016 and was sentenced to six months in jail with two (2) days of credit for time served. The Defendant filed a Notice of Appeal to the Circuit Court on April 25, 2016. A Bench Trial is scheduled in the Pocahontas County Circuit Court on December 15, 2016 at 9:15 a.m.

State the crime(s) involved:

One (1) Count, Battery.

State the date, place and type of hearing(s) set:

A Bench Trial is set in the Pocahontas County Circuit Court on December 15, 2016 at 9:15 a.m.

State the name and phone number of any investigating officer:

Brandon Kelly, Mr. Kelly has since left the Sheriff's Department and is employed at the United States Postal Service in Marlinton WV, 1-(304) 799-6108.

Sheriff David Jones, Pocahontas County Sheriff's Dept. 900 Jail Lane, Marlinton, WV 24954. 1-(304)799-4445.

Prepared by: Keith W. McMillion, Assistant Prosecuting Attorney Signature:

Keith W. McMillion
Attach to Request for Appointment of Special Prosecutor Form

CIRCUIT/FAMILY COURT
POCAHONTAS COUNTY, W.VA.

Filed in this office this the 2nd day

of December, 2016
Donna M. Allen, Clerk

REQUEST FOR APPOINTMENT OF SPECIAL PROSECUTOR

TO: WEST VIRGINIA PROSECUTING ATTORNEYS INSTITUTE
90 MacCORKLE AVENUE, SW
SUITE 202
SOUTH CHARLESTON, WEST VIRGINIA 25303

FROM: JENNIFER P. DENT, JUDGE OF THE CIRCUIT COURT OF
POCAHONTAS COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

V.

WILLIAM WILLIAMS

Case Number: 16-M-AP-01(D)

Magistrate No.: 15-M38M-00687

COUNTY POCAHONTAS

Initial Request for Prosecuting Attorney Disqualification was made by:

☒ Prosecuting Attorney moved Court to be disqualified*

☐ Defendant/Defense Counsel

☐ Court disqualified Prosecuting Attorney Sua Sponte

☐ Other: _____

* Prosecutor to provide Information Sheet when making initial request or when directed by court

REASON FOR REQUEST: The Pocahontas County Prosecuting Attorney's Office has a conflict pursuant to Rule 1.1 and Rule 1.3 of the Rules of Professional Conduct. The Pocahontas County Prosecutor's Office cannot effectively represent its client (the State of West Virginia) in this matter, due to a key witness having an irrevocable opinion that said Office and law enforcement officers of the County are not adequately addressing her concerns. As a result, her cooperation with ~~our~~ ^{that} Office is now non-existent, and said witness has made a written request to the Circuit Court of Pocahontas County for the appointment of a Special Prosecutor to conduct further investigations and prosecutions.

BRIEF SUMMARY AND STATUS OF CASE: The Defendant was charged with One (1) count of battery on September 30, 2015. The Defendant was found guilty of battery in the Pocahontas County Magistrate Court on April 25, 2016 and was sentenced to six months in jail with two (2) days of credit for time served. The Defendant filed a Notice of Appeal to the Circuit Court on April 25, 2016. A Bench Trial is scheduled in the Pocahontas County Circuit Court on December 15, 2016 at 9:15 a.m.

ESTIMATION OF TIME REQUIRED: 3 hours.

REMARKS/COMMENTS: None.


JENNIFER P. DENT, JUDGE OF THE
CIRCUIT COURT OF POCAHONTAS, COUNTY, WV

Date: December 2, 2016

REQUEST TO REMAIN CONFIDENTIAL: _____ yes X no

CIRCUIT/FAMILY COURT
POCAHONTAS COUNTY, W.VA.

Filed in this office this the 2nd day

of December, 2016
James H. Can, Clerk

IN THE CIRCUIT COURT OF POCAHONTAS COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

V

WILLIAM WILLIAMS,
Defendant

Case No.: 16-M-AP-01(D)

ORDER OF DISQUALIFICATION

On this the 20th day of November, 2016 came the State of West Virginia by Keith W. McMillion, Assistant Prosecuting Attorney in and for Pocahontas County, West Virginia, and moved the Court that said Prosecuting Attorney and his staff be disqualified from the above styled case and further moved the Court for the appointment of a Special Prosecutor, and after full consideration of all matters presented to the Court by said Assistant Prosecuting Attorney, the Court is of the opinion to, and does hereby grant and sustain said Motion for Disqualification and for the appointment of a Special Prosecutor in regard to further proceedings herein.

It is accordingly adjudged and ordered that the Office of the Prosecuting Attorney of Pocahontas County, West Virginia, is hereby disqualified from further proceedings herein and in order to facilitate the appointment of a Special Prosecutor, the Court will request that the West Virginia Prosecuting Attorney Institute appoint a Special Prosecutor pursuant to the provisions of West Virginia Code §7-4-6.

It is further ordered that the Clerk of this Court make, prepare and transmit a copy of this Order to the Office of the Prosecuting Attorney of Pocahontas County, West Virginia, which shall serve as notice of disqualification, and it is further ordered that the Clerk of this Court make, prepare and transmit an additional copy of this Order together with the Request for Appointment of Special Prosecutor Form to Philip W. Morrison, II, Executive Director of the West Virginia Prosecuting Attorneys Institute, 90 MacCorkle Avenue, SW, Ste. 202, South Charleston, WV 25303.

ENTERED: December 2, 2016
JENNIFER P. DENT, JUDGEPOCAHONTAS COUNTY
CIRCUIT/FAMILY COURTRECEIVED 12-2-16by: CMC

IN THE CIRCUIT COURT OF POCAHONTAS COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

vs.

Case Nos.16-M-AP-01(D)

WILLIAM WILLIAMS

ORDER

The Court, on its own motion, held a hearing in this matter on November 2, 2016, upon receipt of an *ex parte* communication mailed to the Court from Garland DeCourcy on October 6, 2016, by priority mail.

Appearing at the hearing was Keith W. McMillion, Assistant Prosecuting Attorney of Pocahontas County; the defendant, William Williams, appearing via telephone and by counsel, Laura M. Finch; Garland DeCourcy in person and by counsel, Kristopher R. Faerber, appearing via telephone upon agreement of all parties.

At the time of said hearing the Court provided to counsel present a copy of said *ex parte* communication received by the Court and advised Counsel not to share said information with Counsels' clients, unless deemed appropriate, due to safety concerns.

Upon further consideration of said matter, and upon receipt of additional information, the Court shall forthwith file under seal the *ex parte* communication mailed to the Court on October 6, 2016, from Garland DeCourcy, and further directs all counsels which are in receipt of a copy of said communications not to copy same.

Counsel may review the communications with his/her respective client for purposes of preparing for litigation in this case, but in no event shall counsel provide a copy of the communications to his/her client. The communications shall remain under seal in the Court file.

POCAHONTAS COUNTY
CIRCUIT/FAMILY COURT
RECEIVED 12-15-16
by: CME

IN THE CIRCUIT COURT OF POCAHONTAS COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

vs.

Case Nos.16-M-AP-01(D)

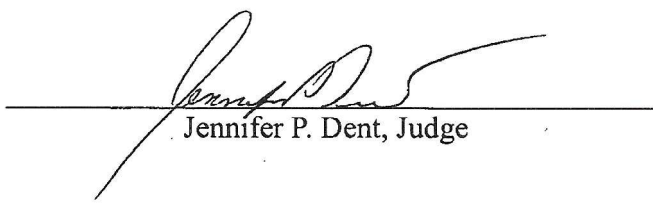
WILLIAM WILLIAMS

ORDER

The Court, upon receipt of an *ex parte* communication from the victim, Garland DeCourcy, via email on the 28th day of November 2016, does this the 14th day of December 2016, direct that the Clerk of this Court provide a copy of said communication to counsel for Defendant, and to the West Virginia Prosecuting Attorneys Institute, attn.: Philip W. Morrison, II, and thereafter file said communication under seal in the above-styled case.

It is the further Order of this Court that counsel for the defendant and the West Virginia Prosecuting Attorneys Institute or any subsequent Prosecuting Attorney appointed to this case, not provide a copy of the communication to any persons. For purposes of preparing for litigation in this case, defense counsel may review the information with her client but in no event shall counsel make a copy of such communication and provide it to the defendant, and said communication shall remain protected to this extent.

Dated this 14th day of December, 2016.

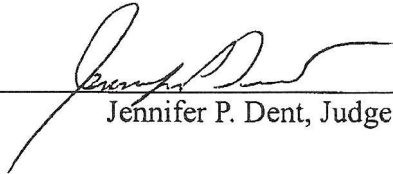

Jennifer P. Dent, Judge

POCAHONTAS COUNTY
CIRCUIT/FAMILY COURT
RECEIVED 12-15-16
by: CAC

0015

The Clerk is directed to forward a copy of this Order to Philip W. Morrison, II, Executive Director of the West Virginia Prosecuting Attorneys Institute; Laura M. Finch, counsel for William Williams; Keith W. McMillion, Assistant Prosecuting Attorney of Pocahontas County; and Garland DeCourcy.

Entered this 14th day of December, 2016.


Jennifer P. Dent, Judge



ELEVENTH JUDICIAL CIRCUIT
GREENBRIER AND POCAHONTAS COUNTIES

JENNIFER P. DENT, JUDGE
TELEPHONE: (304) 647-6619
TELECOPIER: (304) 647-6696

December 14, 2016

GREENBRIER COUNTY COURTHOUSE
912 COURT STREET NORTH
P. O. DRAWER 751
LEWISBURG, WEST VIRGINIA 24901

Garland DeCourcy
P. O. Box 505
Hillsboro, WV 24946

POCAHONTAS COUNTY
CIRCUIT/FAMILY COURT
RECEIVED 12-15-16
by: CMC

Re: State of West Virginia vs. William Williams
Criminal Action No. 16-M-AP-01(D)

Dear Ms. DeCourcy:

My assistant, Louise Wood, recently received an email from you concerning the above-referenced case.

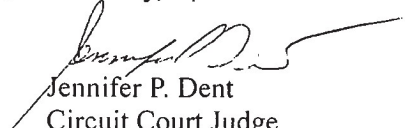
Canon 2, Rule 2.9 of the West Virginia Code of Judicial Conduct prohibits judges from permitting or considering *ex parte* communications (that is, communications made to the judge about a pending or impending proceeding, outside the presence of the parties or their lawyers). Your email to my staff is such an *ex parte* communication, which cannot be permitted or considered by the Court. Furthermore, the correspondence which you mailed to me by priority mail on October 6, 2016, constitutes *ex parte* communication, which cannot be permitted or considered by the Court.

I addressed your *ex parte* communication of October 6, 2016, in open court on November 2, 2016, at which time you were present, and advised this such communication is prohibited.

Again, I will advise you that **"ANY INFORMATION RECEIVED BY THIS JUDGE WHICH IS *EX PARTE* WILL BE PROVIDED TO THE ATTORNEY REPRESENTING THE STATE OF WEST VIRGINIA AND THE ATTORNEY FOR WILLIAM WILLIAMS."** Furthermore, I will not review the information received from you.

This Court is committed to conducting all proceedings in this matter fairly, openly, and in accordance with the law. To avoid any possible misunderstanding about these issues or about the way that your correspondence to me is being treated, I will be placing the originals of the correspondence, under seal, in the court file. I am also providing a copy of these communications to the West Virginia Prosecuting Attorneys Institute; Keith W. McMillion, Assistant Pocahontas County Prosecuting Attorney; Laura M. Finch, counsel for William Williams.

Sincerely,


Jennifer P. Dent
Circuit Court Judge

JPD/lw

cc: West Virginia Prosecuting Attorneys Institute
Keith W. McMillion, Assistant Prosecuting Attorney of Pocahontas County
Laura M. Finch, Esquire
Court file ✓

IN THE CIRCUIT COURT OF Pocahontas COUNTY, WEST VIRGINIA**STATE OF WEST VIRGINIA****V****16M-AP-01 (D)****William Williams****ORDER OF APPOINTMENT OF SPECIAL PROSECUTOR**

This matter comes again for consideration upon a prior Order of this Court disqualifying the Office of the Prosecuting Attorney of Pocahontas County, West Virginia, and ordering the West Virginia Prosecuting Attorneys Institute to appoint a Special Prosecutor for further handling of this case. The Institute having complied with said order the matter is ripe for further proceeding.

Thereupon, the Appointment of Special Prosecutor Form was signed and executed by Philip W Morrison, II, Executive Director of the West Virginia Prosecuting Attorneys Institute, and the Executive Council of the West Virginia Prosecuting Attorneys Institute on December 8, 2016, designating the below named individual as Special Prosecuting Attorney in this matter. Said form is ORDERED filed and made a part of the record.

After due and mature consideration and in full compliance with West Virginia Code § 7-4-6, the Court is of the opinion to and does hereby appoint Pat Via Prosecuting Attorney for Greenbrier County and his/her successor PO Bx 911, Lewisburg WV 24901 or his/ her designee, as Special Prosecutor herein.

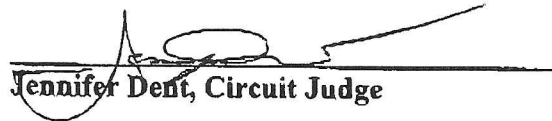
It is further ORDERED that said Special Prosecutor or his designee shall not receive any fee or compensation for serving as such Special Prosecutor, but shall be entitled to be paid all reasonable and necessary travel, meal and lodging expenses necessary for the

POCAHONTAS COUNTY
CIRCUIT/FAMILY COURT
RECEIVED 12-16-16
by: CMC/JCB

investigation and prosecution of the above styled case, which shall be paid by the County Commission of Pocahontas County, West Virginia, upon a submission of a proper and appropriate invoice or statement.

It is further ORDERED that the Clerk of this Court send copies of this order to Counsel for the Defendant; the above named Disqualified Prosecutor; the above named Special Prosecutor; and to Philip W Morrison, II, Executive Director, West Virginia Prosecuting Attorneys Institute, 90 MacCorkle Avenue, SW, Suite 202, South Charleston, West Virginia, 25303.

ENTERED this 16th day of December, 20 16.


Jennifer Dent, Circuit Judge

IN THE CIRCUIT COURT OF POCAHONTAS COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

V

CRIMINAL ACTION NO. 16-M-AP-01

WILLIAM WILLIAMS II,

Defendant.

NON-JURY TRIAL

Transcript of proceedings had in the non-jury trial of
the above-styled action before Honorable Jennifer P. Dent,
Judge, as reported by Anne R. Owens, RPR, on August 14, 2018.

APPEARANCES

PATRICK I. VIA, SPECIAL PROSECUTING ATTORNEY, COUNSEL FOR
STATE OF WEST VIRGINIA

LAURA M. FINCH, ATTORNEY AT LAW, COUNSEL FOR DEFENDANT

INDEX

STATE'S WITNESS:	PAGE
DECOURCY, GARLAND	
Direct Examination	8
Cross-Examination	34
Redirect Examination	73
DEMARAIS, ROBERT	
Direct Examination	74
Cross-Examination	81
Redirect Examination	94
DEFENDANT'S WITNESS:	PAGE
WILLIAMS, WILLIAM	
Direct Examination	100
Cross-Examination	117
Redirect Examination	144
Recross-Examination	147
Further Redirect Examination	148
WILLIAMS, SVETLANA	
Direct Examination	151
Cross-Examination	159
BROCK, DAMON	
Direct Examination	160
Cross-Examination	170
DEFENDANT'S MOTION FOR JUDGMENT OF ACQUITTAL . .	98
CLOSING ARGUMENT	PAGE
By Mr. Via	174/184
By Ms. Finch	180
VERDICT OF THE COURT	185

1	INDEX (CONT)	
2	STATE'S EXHIBIT	PAGE
3	No. 1 (photograph)	
4	(marked for identification)	8
	(admitted)	34
5	No. 2 (photograph)	
	(marked for identification)	8
6	(admitted)	34
7	No. 3 (photograph)	
	(marked for identification)	8
8	(admitted)	34
9	No. 4 (photograph)	
	(marked for identification)	8
10	(admitted)	34
11	No. 5 (photograph)	
	(marked for identification)	8
12	(admitted)	34
13	No. 6 (photograph)	
	(marked for identification)	8
14	(admitted)	34
15	No. 7 (photograph)	
	(marked for identification)	8
16	(admitted)	34
17	No. 8 (photograph)	
	(marked for identification)	8
18	(admitted)	34
19	No. 9 (9/4/16 Oljaca e-mail to defendant)	
20	(marked for identification)	130
21	(admitted)	144
22		
23		
24		

1	INDEX (CONT)	
2	DEFENDANT'S EXHIBIT	PAGE
3	No. 1 (10/21/16 Decourcy statement)	
4	(marked for identification)	37
5	(admitted)	73
6	No. 2 (12/2/16 Decourcy statement)	
7	(marked for identification)	44
8	(admitted)	73
9	No. 3 (10/2015 termination contract)	
10	(marked for identification)	58
11	(admitted)	73
12	No. 4 (2016 article of defendant's conviction)	
13	(marked for identification)	69
14	(admitted)	73
15	No. 5 (forum post by DeMarais)	
16	(marked for identification)	91
17	(admitted)	174
18	No. 6 (10/26/15 attachment to termination contract)	
19	(marked for identification)	110
20	(admitted)	151
21	No. 7 (defendant's statement to Trooper Brock)	
22	(marked for identification)	113
23	(admitted)	151
24	No. 8 (9/4/16 Oljaca e-mail to defendant)	
	(marked for identification)	144
	(admitted)	151
	No. 9 (10/5/16 defendant's e-mail to Decourcy)	
	(marked for identification)	155
	(admitted)	174
	No. 10 (Trooper Brock narrative of report)	
	(marked for identification)	164
	(admitted)	174

1 THE COURT: The next matter is State of West Virginia
2 versus William Williams II. It's 16-M-AP-01. The state is
3 represented by Patrick Via. The defendant's here in person,
4 represented by Laura Finch. This is an appeal from magistrate
5 court on a trial de novo on a battery charge. And we're here
6 today for purposes of the bench trial. Are the parties ready
7 to proceed?

8 MR. VIA: Yes, ma'am.

9 MS. FINCH: Yes, Your Honor. Your Honor, we would ask
10 that the witnesses be sequestered at this time.

11 THE COURT: Could defense counsel disclose to me the
12 number of witnesses?

13 MS. FINCH: Yes. There are two witnesses, Your Honor.
14 Mr. Williams and his wife, Svetlana.

15 THE COURT: Her name again?

16 MS. FINCH: Svetlana. Or, Lana. S-V-E-T-L-A-N-A.

17 THE COURT: And, Mr. Via, how many witnesses are there
18 for the state?

19 MR. VIA: Two. Garland Decourcy and Robert DeMarais.

20 MS. FINCH: Your Honor, I failed to mention. I do have
21 Damon Brock, Trooper Damon Brock under subpoena. And I asked
22 that he be here at 1:00 so he could avoid waiting.

23 THE COURT: So that what?

24 MS. FINCH: He could avoid waiting. I expect him as my

1 final witness.

2 THE COURT: If you're here and it's anticipated that
3 you're going to be called as a witness, then you'll need to
4 exit the courtroom. There's been a request to sequester. Now
5 before you do so, let me advise you that you are not to discuss
6 your testimony with anyone outside this courtroom other than
7 one of the attorneys.

8 Sir, you need to listen to the Court's instruction
9 regarding your sequestration.

10 You are not to discuss your testimony with anyone outside
11 this courtroom either before or after you testify. You are not
12 to discuss what has occurred in the courtroom during the course
13 of the trial with anyone. The only individuals that you may
14 discuss your testimony with would be the attorneys in the
15 courtroom.

16 With that, as you are requested to come forward and
17 testify, you'll be sworn at that time.

18 (witnesses sequestered)

19 THE COURT: Mr. Via, you may proceed.

20 MR. VIA: Judge, may I take up a procedure matter before
21 we go into -- I notice that the Court file contains the
22 exhibits that were used at magistrate court. Some of those,
23 maybe all of them, I'm not sure, will necessarily be exhibits
24 here as well. Would it be appropriate to remove the exhibit

1 temporarily from the court file, use it, and then of course
2 it's going right back in the court file when this matter
3 concludes? Is that --

4 THE COURT: I think that's procedurally the only way
5 we're going to be able to allow the parties to use them.

6 MR. VIA: If the Court agrees then, if we could just take
7 those exhibits out. I think there were, I don't know, six or
8 eight state exhibits and a handful of defense exhibits as well
9 that are marked in the file. I think the state's exhibits
10 consisted primarily of photographs. I'm not sure there was
11 anything other than photographs.

12 THE COURT: What I'm going to do is just allow the
13 parties to look at the file and pull the exhibits that you
14 anticipate needing, and then we'll . . .

15 MR. VIA: These are already marked. And I'm not going to
16 change the order. So you may want your own reporter to mark
17 them.

18 THE COURT: I will ask that she mark them for purposes of
19 today. She can use the same numbers.

20 Mr. Via?

21 MR. VIA: Does the Court wish to hear opening statements?
22 The state is willing to waive opening if defense is.

23 THE COURT: What's the position of the parties?

24 MS. FINCH: I would stipulate to waiving.

1 THE COURT: Waiving. You can waive.

2 MR. VIA: Okay. I will so waive. And the state's first
3 witness is Garland Decourcy.

4 STATE'S EXHIBIT NOS. 1, 2, 3, 4, 5, 6, 7, 8

5 MARKED FOR IDENTIFICATION

6 THE COURT: Ms. Decourcy, you will need to come forward
7 and sign in as a witness.

8 (witness sworn)

9 THE COURT: Mr. Via?

10 DIRECT EXAMINATION

11 BY MR. VIA:

12 Q Please state your full name, ma'am.

13 A Garland Elizabeth Decourcy.

14 THE COURT: You need to bring that mic up and speak up.

15 THE WITNESS: This chair doesn't move, does it?

16 THE COURT: I don't know, but the mic does.

17 BY MR. VIA:

18 Q Say your name again, please?

19 A Garland Elizabeth Decourcy.

20 Q As we proceed, speak up as best you can so that we
21 can all hear your responses. Ms. Decourcy, where do you
22 presently reside?

23 A Mill Point, Pocahontas County, West Virginia.

24 Q Ma'am, how long have you resided in Pocahontas

1 County?

2 A Since April 2015.

3 Q Ma'am, I want to ask you if you are familiar with an
4 individual by the name of Will Williams?

5 A Yes.

6 Q And how do you know Mr. Williams, just briefly?

7 A Historically, from when I first met him?

8 Q No. Just generally, what is your association with
9 him over the years, how come you know him?

10 A I first met him business related in the early
11 '90s, and then - and then later again in 2015.

12 Q So you have known him or known of him for years. Is
13 that correct?

14 A Right. But I didn't have contact with him for many
15 years. But, yes, I knew him both business-wise and --

16 Q Okay. Beginning in 2015, did your relationship with
17 him in terms of knowing him firsthand, seeing him and working
18 with him, so forth, did that restart?

19 A Yes.

20 Q Let's talk about 2015, specifically September 30th
21 of 2015. Okay? I want to direct the next few questions with
22 that date in mind. As of that date, what was the nature of
23 your association or relationship with Mr. Williams?

24 A At that point, he was acting in authority as the -

1 like, a boss supervisor of myself and some others. And also
2 that is where I lived. So I lived where I worked, same with
3 the other witness. But we lived where we worked. And he was,
4 you know, claiming authority over us.

5 Q He was your boss?

6 A Yes.

7 Q And you say your workplace and your residence was
8 the same location. Could you tell us today what that location
9 was as of September 30th, 2015?

10 A Like, the title of the land?

11 Q No. The address.

12 A The address?

13 Q Yes. Where was it?

14 A Oh. I don't -- there's not addresses. There's some
15 911 addresses. Anyway, a two-story commercial office building
16 up at Mill Point on Cosmotheist Community church, on that
17 parcel. And because - I had been promised and told that there
18 was ample housing and that there was a whole bunch of people
19 already working there, et cetera. But when I got there, there
20 was just an old mold, mildew, toxic office building.

21 Q So was that building located --

22 A Yeah.

23 Q -- at Mill Point, Pocahontas --

24 A Yeah.

1 Q -- County, West Virginia?

2 A So I was originally living in an office in that
3 building. But I had severe allergic reactions, and then went
4 to live in an adjacent building.

5 Q Okay. We stepped on top of one another there for a
6 minute. Let me repeat my question.

7 A Sure.

8 Q The address, the physical location you have just
9 described, you said it was at Mill Point. Is that correct?

10 A Yes.

11 Q And that is in Pocahontas County, West Virginia?

12 A Yes.

13 Q Okay. Now, were you working on September 30th,
14 2015?

15 A Yes.

16 Q Do you happen to remember what day of the week that
17 was?

18 A Yeah. Wednesday.

19 Q Okay. Did you see Mr. Williams on September 30th,
20 2015?

21 A Yes. He lived in Tennessee, but he would come to
22 the property. And he had been making regular trips because he
23 was involved in some deals and --

24 Q Did one of those trips include September 30th --

1 A Yes.

2 Q -- 2015?

3 A He had come before. He had arrived on Monday and,
4 in fact, came to this courthouse. But and so he was in town.
5 And he was - he was sleeping in a room in the office building.

6 Q All right. I believe you indicated September 30th
7 was a Wednesday. So he arrived in town on what date?

8 A Monday.

9 Q What date, ma'am?

10 A Oh. I've got my calendar date books but --

11 Q You said the 30th was a Wednesday?

12 A Yeah. So the 28th. Monday. Yeah. Well, that's
13 true. That's in some of the police reports. Because of what
14 he did on the - that day.

15 Q So that's the day when -- did you see him when he
16 first arrived in town or soon thereafter?

17 A Oh yeah.

18 Q Okay. Now --

19 A After he - when he arrived there, he'd already been
20 in town, been here, and gone to the post office and stuff.

21 Q What I meant was, did you see him sometime shortly
22 after his arrival?

23 A Yeah.

24 Q Okay.

1 A Yeah. He was pretty volatile. Yeah.

2 Q Now let's talk about the time period preceding
3 September 30th. Just briefly, the 29th, were you living and
4 working at the location you described --

5 A Yes.

6 Q -- on the 29th day of September?

7 A Yeah.

8 Q Did you see Mr. Williams that day?

9 A Oh, yeah. He wouldn't let us take breaks. He
10 wouldn't let us go home. And he was - it was 11:30 at night,
11 and he was still demanding that we do crazy stuff. And then we
12 were doing just - anyway, just ridiculous illogical stuff, but
13 he was insisting upon it. And we were doing it. And so we
14 split up. And I was in my office, and Mr. Oljaca was in his
15 room.

16 Q Mister who?

17 A Mr. Oljaca. He's one of the witnesses. And he was
18 living in that office building because there wasn't any housing
19 for him. And, anyway.

20 Q All right. So let's move forward then. Let me back
21 up.

22 A Well, yeah.

23 Q You had interaction with Mr. Williams on the 29th,
24 as you --

1 A Oh, yeah. There had been a phone call. He went
2 ballistic and started going crazy. And then he wouldn't let me
3 leave the building.

4 Q Did you see him again on the 30th?

5 A Yep. I had to report to work. And he had, in fact,
6 woken up Mr. Oljaca, demanded he call me and tell me to come
7 early to, quote, make his fucking coffee. And so I had come
8 even earlier than I had wanted to.

9 Q What time did you arrive at your workplace on
10 September 30th?

11 A Well

12 Q Just roughly, ma'am. What time did you arrive?

13 A It was before nine. And - because nine was the
14 original time I was supposed to come. And so we had talked on
15 the phone and we had made some safety procedures because he was
16 acting so crazy. So between my landlord, my friend,
17 Dr. DeMarais, and Michael on the phone, we were trying to deal
18 with him because he was always armed and he was becoming
19 volatile and threatening.

20 Q When you arrived at your workplace on
21 September 30th, who else was present at that time?

22 A It's a very short distance, but I drove. And so
23 Mr. Oljaca was there. And Mr. Williams was there.
24 Mr. Oljaca -- yeah. And we had already signaled to each other.

1 Q Was there anyone else present or just the three that
2 you've identified, who are yourself, Mr. Oljaca, and
3 Mr. Williams?

4 A At the office building, yes.

5 Q That's it?

6 A Uh-huh.

7 Q Okay. When you arrived at work, did you immediately
8 or very soon thereafter have contact with Mr. Williams?

9 A Yeah. I was --

10 Q What I'd like you to do, ma'am, is listen to my
11 question for a moment.

12 A Okay.

13 Q Describe, if you would, the morning of
14 September 30th, 2015, the nature of your contact with
15 Mr. Williams upon your arrival at work.

16 A As I was approaching the door, Mr. Oljaca signaled
17 to me that he was afraid and that Mr. Williams was already
18 going nutty. And so I went in and tried to just go into my
19 office and then, you know, start doing things. And he started
20 distracting us and took us back towards where the kitchen was,
21 complaining about our food and all kinds of weird stuff. And
22 why didn't we spend our money and buy him some cream and just
23 weird stuff. And then he wanted to show his doughnuts of me.
24 And it was, make me coffee, which he had already - just --

1 MS. FINCH: Objection. Speculation.

2 THE WITNESS: So, the --

3 MR. VIA: Wait, wait, wait. There's an objection
4 pending.

5 THE WITNESS: Oh. I can't even hear.

6 THE COURT: Your testimony -- I will sustain the
7 objection. And you need to keep it to the facts that occurred.
8 BY MR. VIA:

9 Q Don't editorialize, ma'am, on what you think his
10 feeling was. Just state the facts.

11 A Oh. Well, he said it. Okay. All right. Well, he
12 actually said it.

13 Q Okay. Wait a minute.

14 A All right. Okay. I wasn't sure what we were
15 talking about.

16 Q Stop. Question, and then answer. Okay? We've
17 stepped on each other a couple of times. All right? So, let's
18 be careful. You were describing that he was acting in an odd
19 way and you were in the kitchen area. Please pick up from
20 there.

21 A And, anyway, I just quickly tried to not be around
22 him and went back - tried to get back to the office. Then, he
23 came into my office. And then he told me to get the fuck out
24 from behind my desk; he was going to sit there. And then I had

1 to sit on the other side of my desk. And then he just kept on
2 asking questions.

3 Q What did he say to you?

4 A He - he was talking about the phone call that had
5 happened last night. I had gotten a personal call late in the
6 evening. And it triggered him. And he went crazy. And he was
7 saying, what do people say about me? What do people say about
8 me? And you don't, you know -- I didn't want to engage in
9 this. And but he kept on repeating it. And he was demanding.
10 And then - and then he said, when was the last time you talked
11 to him. And I said, last night. And then he got up and
12 slammed his hand on my desk and said liar, liar, liar. And
13 just kept on going. And - oh and this whole time, because of
14 the situation, for each time Williams was getting more violent,
15 Mr. Oljaca and I had plans. At no point were we ever going to
16 be out of sight or just listening to what he would say. And we
17 were taking notes on stuff.

18 But the - so Mr. Oljaca is just outside my door. And I
19 can see him as he's occasionally letting me know he's there.
20 And then he would move back. And he was scared. And I'm here.
21 Williams is here. So, anyway, so Williams is going nuts. And
22 then he's detailed, which it's -- anyway, he's asking me what
23 people think of him. What do people say about me? What do
24 people say about me? It's not -- and so I said, I don't know.

1 I don't spend all night long searching the Internet on what
2 people say about you. It seems like you do that.

3 And so he was slamming again and demanding I tell him
4 what people say about him. And then he went back to phone call
5 again. And he said that I was a liar, that he had spoken to
6 that person and demanded of them when was the last time they
7 had spoken to me. But when I'd gotten out the night before and
8 gotten home, I immediately called that person because that
9 person was, like, are you okay. What the heck is going on.
10 What is wrong --

11 MS. FINCH: Objection. Nonresponsive. Hearsay.

12 THE WITNESS: Okay. And so --

13 MR. VIA: No. Stop.

14 THE COURT: I'm going to sustain the objection. And let
15 it be a question and answer and not such a narrative.

16 BY MR. VIA:

17 Q First of all, ma'am, identify who this person is.

18 A This person is Mr. Harrington.

19 Q Don't say what he said, whatever it may've been.

20 A Okay. But he asked me to tell him the next morning,
21 so I did. But, anyway, yeah.

22 Q What you told Mr. Williams is fine. But don't say
23 what Mr. Harrington said. So let's stop --

24 A So, anyway, I had to assure --

1 Q -- here. I need to pose a question.

2 A All right.

3 Q All right. At this point, the argument or the
4 interaction you've described was entirely verbal. Is that
5 correct?

6 A Yeah, but --

7 Q Let me ask the next question. Your answer is yes?

8 A Yeah, except for he was being aggressive. And, you
9 know, we presumed he was armed.

10 Q Now at any point during the course of this
11 confrontation or altercation, did there become any physical
12 aggression on Mr. Williams's --

13 A Yeah.

14 Q -- part? Now what I'd like you to do, ma'am, is
15 describe specifically the physical aggression that you've
16 indicated occurred.

17 A Several times, I'd tried to leave. And I said, you
18 know, this is nonproductive, you know. I wanted to leave. And
19 then he was demanding that I freeze, that I stay there. Don't
20 you walk away from me. Don't you know who I am, you know.
21 Fucking get back here. And then Michael is watching. So I'm
22 standing. I'm trying to leave. And it is when I was trying to
23 disengage and get out of the situation, and I'd moved and I'd
24 tried to grab a purse. And I couldn't get my other purse that

1 had my banana and yogurt in it. But, anyway, it was when I had
2 started to move my feet that he just, don't you walk away from
3 me. I'm not done with you, you know. You're going to stay,
4 you know. And so then - and I said no. I said you're acting
5 stupid. You're acting crazy. This is nonproductive. I'm
6 trying to get out, so I'm trying to disengage. And he comes
7 across the room. He gets all crazy, which he's done before,
8 where he tried to bash my head --

9 MS. FINCH: Objection. Prior acts.

10 THE WITNESS: Okay. And, anyway --

11 THE COURT: I'm sorry. Stop.

12 Your objection was prior acts. And what was her
13 statement?

14 THE WITNESS: That he had attacked me before.

15 THE COURT: I'll sustain the objection.

16 BY MR. VIA:

17 Q Talk about the events of the day, ma'am.

18 A And so --

19 Q Describe the physical aggression. Answer the
20 question if you would, please. That's the question pending.

21 A All right. So, anyway, so he came at me.
22 Originally when he started across the room, he had a fist that
23 was going to smash me in the head. And when he came across,
24 he's aiming and he's hitting my neck. I got knocked back into

1 chairs that are in front of the wall on my side. And so I'm
2 trapped there. And then he's choking me and screaming about I
3 know too much, I know too much. All kinds of crazy shit.

4 And so he pushes me then towards the corner where there
5 was a sharp filing cabinet. So I'm tripping over that. And
6 then, up in towards bookcases that are right there at the
7 corner. So it's a corner, this. And so in all this, he's -
8 I've got it -- anyway, I'm trying to fight, but I'm stunned.
9 And I keep on getting -- I can't - I'm off balance because I'm
10 getting shoved into stuff. At one point when I can, I look
11 over at Michael. Michael's in the door. And he is just -- and
12 so then he comes in the room. And he starts screaming, stop
13 this, stop this, stop this. This is deplorable. And he
14 wouldn't stop. So he had to use his body.

15 MS. FINCH: Hearsay, Your Honor.

16 MR. VIA: It's an excited utterance, I think, Judge.

17 THE COURT: I'm sorry?

18 MS. FINCH: I'll withdraw it, Your Honor.

19 THE COURT: Thank you.

20 BY MR. VIA:

21 Q When that kind of thing happens, we need to stop and
22 pick up where we were. Okay?

23 A Okay. I can't hear what she said.

24 Q Well, okay. Now you described - you used the word

1 choking a moment ago.

2 A Oh, yeah.

3 Q Now I need to ask a very specific question. Can you
4 describe how choking? Was it an arm, bar, hands?

5 A Hands.

6 Q Well, you describe it. Tell me what you meant when
7 you said choking.

8 A His hands. 'Cause he had his hands on me. And he
9 had his hands around my neck. And then at one point, I was
10 trying to do something with this arm. But the filing cabinet
11 is really sharp. And so, anyways - so I'm getting shoved up
12 against other stuff.

13 And then Michael came in with his body and just rammed
14 Williams to knock him off of me, which first pushed him that
15 way. Okay? And then he yells, fuck you, Michael. Fuck you,
16 Michael. He goes, she needs to be shut up. She needs to be
17 shut up for good. She knows too much. Fuck you, Michael. Get
18 out of the way, because Michael had gotten in front of me. And
19 he was yelling, what the hell are you doing. You know, you're
20 attacking -- so he's blocking. So at that point, the injuries
21 were all being pushed into stuff, sharp things, blunt things,
22 up against the phone and the cabinet, filing cabinet. Blunt
23 compression.

24 Q Let's stop there for a moment, ma'am. When

1 Mr. Oljaca intervened, as you describe, did that conclude
2 the --

3 A No. Oh, no.

4 Q Well, you haven't heard the rest of my question,
5 ma'am.

6 A Okay.

7 Q Did he intervene and stop the physical altercation
8 at that point?

9 A Williams wouldn't stop. It went on for a long time
10 after this. I'm - so - because he thought it would. And he
11 went like this with his body. And then had to turn around
12 because Williams - he was staring -- he turned. He's around.
13 He's got Williams here. He's looking at me. I'm choking now
14 and I'm trying to catch my breath. And then Williams keeps
15 coming through and around Michael and keeps on trying to grab
16 my neck. But I'm still up against the chairs and the filing
17 cabinet. And so that's where all the scratches happened
18 because he kept screaming that she knows too much, she knows
19 too much, you know. I need to end it. This is - Michael, fuck
20 you. Get out of the way. Kept on saying stuff to him.

21 And then - but that's how he kept on doing it. And so at
22 one point, Michael pushed him back up to the -- so, we were
23 here. This way. Okay? And I was just stunned. And I was
24 kind of frozen in fear. And now, I wanted to leave. But now,

1 I'm just choking, but I'm watching. And now I have to --
2 they're fighting. And he's hitting - he's on Michael. And I'm
3 just stunned. Then they push back towards me again. This just
4 kept on going on with him. Kept on -- I'm having to hear
5 someone trying to justify to the other person, no, no. Stop
6 defending her. She has to die. She knows too much.

7 Q Let's stop there --

8 A I'm horrified.

9 Q Let's stop there for a moment. So the altercation,
10 as you've described it, went on in that --

11 A Oh, yeah.

12 Q Let me finish my question, ma'am. Went on that way
13 for a period of time. But, ultimately, it concluded. Is that
14 correct? You'll need to say yes or no.

15 A Yes.

16 Q Okay. Now what did you do when the altercation
17 concluded?

18 A Well, at one point in one of the breaks towards the
19 end and I got my voice back, I'm bent over and I'm leaning and
20 screaming. And I'm going, call the police. Call the police.
21 Call the police. And then Michael looks at Williams. And it's
22 like -- and he did a growling thing. And the point is, if
23 you --

24 Q Did you leave the building?

1 A Yeah.

2 Q Okay. Who went with you when you left the building?

3 A Michael and I went out the door and ran through -
4 it's a pretty big building. Went the full length of the
5 building, out the back of the building, out into the yard, in
6 the woods up at the end.

7 Q Where was Mr. Williams when you last saw him at --

8 A In my office at that point.

9 Q So as you described it, you and Mr. Oljaca left that
10 room, exited the building. And the last you saw Mr. Williams,
11 he was still in your office. Is that correct?

12 A Yeah.

13 Q What did you do specifically after you were able to
14 exit the building?

15 A While we were out there, Michael took his pictures.
16 But there was a lot of discussion there. We wanted to call the
17 police. But the problem is, it's like a - you're thinking like
18 mafia, mob gang and a cult.

19 Q Well, we're not going to get into the discussion you
20 and Mr. Oljaca had. That's not going to be admissible here.
21 Okay? So you indicated some photographs were taken by
22 Mr. Oljaca. Is that correct?

23 A Yeah.

24 Q Now subsequent to that, were any other photographs

1 taken?

2 A Yeah.

3 Q Describe that, please. When did that happen and how
4 did that happen?

5 A After a period of time, Michael peeked into the
6 building to try to see what he was doing. And he was supposed
7 to leave that morning anyway, so I was hoping he would've left.
8 So he was trying to see if he had left or if he was getting
9 ready to go. And so he went in the building and --

10 Q Did you also go into the building at --

11 A Not at that point.

12 Q Well, did you ultimately --

13 A Oh, I did after he told me --

14 Q What did you do when you went back in the building?

15 A Okay. Oh. He told me he was in this room around
16 this other corner. Then I went into the bathroom. And, well,
17 we had quickly grabbed some water bottles. And we were both
18 pretty shaken up. And so I had to go into the bathroom to,
19 well, pee. But I was putting - throwing cold water on my face
20 and then, you know, washing the tears off my face and stuff.
21 And then - and then he had said before, with a different light.
22 So then I used my tablet and took a couple of pictures in the
23 mirror.

24 Q So you took a couple of pictures of yourself using

1 your - what'd you say you used? Tablet?

2 A Those tablet things.

3 Q Okay. It takes photographs as well. Is that
4 correct?

5 A Uh-huh.

6 MR. VIA: May I approach the witness, Your Honor?

7 THE COURT: Yes.

8 BY MR. VIA:

9 Q I have here what's been marked for identification
10 purposes as State's Exhibits Nos. 1 through 8. I don't want
11 you to say anything about any of them yet. I want you to take
12 a moment and review those eight photographs if you would,
13 please.

14 A Okay. Does it matter the order?

15 Q Does it what?

16 A Okay.

17 Q I just want you to review them for a moment, and
18 then I'll have some questions about that when you're ready.

19 A All right. Okay.

20 Q If you'll hand those back to me, please. I need you
21 to identify -- I'm going to hand them to you one at a time in
22 order. And you said some of these were taken by Mr. Oljaca and
23 some by you. Do you know the difference?

24 A I just sorted them. Yes.

1 Q State's Exhibit No. 1, could you just identify who
2 took that photograph?

3 A Mr. Oljaca. And it's outside. That's where you
4 could --

5 Q Just tell me who took the photograph. State's
6 Exhibit No. 2.

7 A Mr. Oljaca.

8 Q State's No. 3?

9 A Mr. Oljaca.

10 Q State's No. 4?

11 A From this point on, these are the ones I took.

12 Q Nos. 4 through 8, you took?

13 A We took a lot more, but the state didn't include
14 them all.

15 Q Okay. These are the ones we're working with. Okay?
16 Now can you just give me -- are you familiar with these eight
17 photographs?

18 A Yes.

19 Q And, here, I'll hand them to you. Are you familiar
20 with what they depict generally speaking?

21 A Yeah.

22 Q What do those photographs depict, ma'am?

23 A They're showing, at this point --

24 Q Just generally. I don't want a description of --

1 A The swelling and the scratch marks from the attack,
2 from the choking. It doesn't show the bruising and the
3 swelling that showed up later along here and the other stuff.
4 But, yeah. It should have got both sides where he had kept on
5 trying to get me again and kept on. At that point was using
6 his nails to try to get to me.

7 Q Now give me your best recollection as to the
8 timeframe during which these photographs were taken. And what
9 I mean by that is, from the time the altercation ended, how
10 long was it before each of those photographs were ultimately
11 taken?

12 A No idea specifics. I mean, I know -- I have a date
13 stamp on mine.

14 Q Just tell me, ma'am, was it a half-hour or less or
15 an hour or less?

16 A Yeah. But it's not a half hour from the first
17 attack 'cause it had kept on going.

18 Q Were all of them taken within an hour of the
19 altercation?

20 A Yes. And -- yes.

21 Q Just to -- that's adequate. You answered the
22 question.

23 A All right.

24 Q Would you hand those back to me for a moment,

1 please? Now exhibits 1 through 3, which you indicated that
2 Mr. Oljaca took, do each of those photographs -- we'll take
3 them one at a time. With respect to No. 1, does that
4 photograph accurately represent what it depicts with respect to
5 the injuries to your neck?

6 A Just to the neck? 'Cause there's other --

7 Q Injuries generally, is it accurately reflective of
8 those injuries?

9 A At that moment?

10 Q Yes.

11 A Yes.

12 Q No. You --

13 (interruption by court reporter due to simultaneous speaking)

14 BY MR. VIA:

15 Q Ma'am, just answer my question. Okay? So we don't
16 have that happen all morning. With respect to Exhibit No. 2,
17 does that accurately depict the injuries reflected in that
18 photograph?

19 A Yeah. Yes.

20 Q With respect to No. 3, is that also the case?

21 A Yes.

22 Q All right. And I believe you indicated that No. 4
23 through 8, these are the tablet photographs. Is that correct?

24 A Mr. Oljaca's outside the door, guarding --

1 Q Well, it doesn't matter where he's at. You took
2 these photographs. Is that correct?

3 A Uh-huh.

4 Q Do each of those, as you now look at them,
5 accurately depict the injuries reflective in these photographs
6 at the time they were taken?

7 A Yeah. You can see some of the swelling. And, like,
8 the hives were kicking in at that point. But not this full
9 stuff. That lasted for days. Yeah.

10 Q Is that accurate with respect to each of the
11 photographs identified in numbers --

12 A Yeah. The only thing that's different is, at this
13 point, I'd already - I'd tried to grab a whole bunch of
14 whatever water was in the tap. And I'd tried to put - I threw
15 a bunch of water on it. And I had gotten a paper towel and had
16 gotten it wet and pushed it on it to try to - because it was
17 burning.

18 Q Did you leave the building after - at some point
19 after these photographs were taken?

20 A Yes.

21 Q And where did you go at that point?

22 A We grabbed the stuff, and we ran to Mr. DeMarais's
23 house.

24 Q Where did he live?

1 A Well, it's where I live. It's in front of the
2 office building, a couple hundred yards - feet. It's not very
3 far.

4 Q So very near in proximity to where you worked?

5 A Yeah.

6 Q Did Mr. Oljaca go there with you as well?

7 A Oh, yeah. We both.

8 Q Was Mr. DeMarais home when you arrived?

9 A Yes.

10 Q Without - do not state anything Mr. DeMarais may
11 have said. He's here. He's a witness of his own account
12 shortly. Did you report to Mr. DeMarais what had happened at
13 the time?

14 A Immediately. I went in --

15 Q I'm sorry. What was your answer?

16 A Immediately.

17 Q Immediately. Okay.

18 A I went right into the door, told him. And then he
19 had said some things. And he asked if we had pictures. And he
20 was going to take pictures. And he wanted us to call the
21 police. And we told him that we were afraid that he would kill
22 us because he was still there. And --

23 Q That's enough. At what point did you contact law
24 enforcement with respect to this incident?

1 A We had to wait till he left, and then --

2 Q When was that? When did you contact law
3 enforcement?

4 A The next day, I contacted the West Virginia State
5 Police.

6 Q Okay.

7 A And then - anyway, and then - and then subsequently
8 met with them.

9 Q You also at some point later met with members of the
10 Pocahontas County Sheriff's Department. Is that correct?

11 A Yeah. Yeah. At the beginning, we didn't want any
12 record of a 911 call. If he knew we were reporting to the
13 police, we didn't want him to then kill us for it. So anyway
14 when we called, we kept on, like, deleting the information from
15 the phone bill, from the phone registry of where we called and
16 who called back, that type of thing. So when we got a call
17 back, we went to the barracks, at the Marlinton barracks and
18 brought everything. And we brought the photos and stuff, too.

19 Q Subsequently, I believe some weeks later, this
20 investigation was undertaken by the Greenbrier --

21 A Sheriff Jonese.

22 Q -- by the Pocahontas County Sheriff's Department.
23 Is that correct?

24 A Yes.

1 Q And you provided statements in that regard, and then
2 this matter proceeded to prosecution. Correct? Is that
3 accurate?

4 A Yes. We had reported here in the courthouse. And
5 also they had come out to the property.

6 Q Sheriff Jonese and one of his --

7 A Sheriff Jonese and Deputy Kelly.

8 MR. VIA: Now, Judge, at this point, I would move for the
9 admission of State's Exhibits 1 through 8.

10 THE COURT: Any objection?

11 MS. FINCH: No, Your Honor.

12 THE COURT: They'll be admitted.

13 STATE'S EXHIBIT NOS. 1 THROUGH 8 ADMITTED

14 MR. VIA: Thank you.

15 BY MR. VIA:

16 Q Give me just a moment, Ms. Decourcy.

17 MR. VIA: That is all I have, Judge. Thank you.

18 THE COURT: Cross?

19 MS. FINCH: Thank you.

20 CROSS-EXAMINATION

21 BY MS. FINCH:

22 Q Ms. Decourcy, you've described an extended attack by
23 the defendant of you on the 30th of September. Is that
24 correct?

1 A Yes.

2 Q And you also told Mr. Via that you had reported this
3 incident to law enforcement the very next day?

4 A Right. I can't hear you. What did you just say?

5 Q You told Mr. Via that you reported this incident to
6 law enforcement the very next day?

7 A We contacted law enforcement the next day, yes.

8 Q And you described having gone to the State Police
9 barracks to file a report, and Sheriff Evans with the State
10 Police --

11 A Yes.

12 Q Did you provide any statement at that point, written
13 statement?

14 A You mean -- yeah. We told - we both asked a lot of
15 questions about how they could protect us because the last
16 person --

17 Q Did you provide a written statement to the State
18 Police at that point, several days later?

19 A Yeah. And we'd shown them the photographs.

20 Q But, in fact, you reported this incident in
21 connection with another incident that took place at the
22 property on or about the 31st of October. Correct?

23 A You mean the other crimes he committed against me,
24 the breaking and entering, the --

1 Q You reported this event on the 31st of October.
2 Correct?

3 A Oh. He asked again for another statement. Yes.

4 Q So is it your testimony that you provided the
5 written statement several days after the event?

6 A Mr. Oljaca and I. We went in to the Marlinton
7 barracks. And we talked to them. They - we talked --

8 Q Is it your testimony that you provided a written
9 statement several days after the event?

10 A What word are you saying? That I provided a?

11 Q A written statement.

12 A Oh, did we write anything? No. He did.

13 Q And then on the 31st, you gave a statement.
14 Correct?

15 A On the 31st, was in the middle of some crimes
16 that -- yeah, that the police reports, the felonies.

17 Q On the 31st, you gave a statement. Correct?

18 A He wrote a statement and asked me to sign it while
19 he was stealing my property. And he had done the breaking and
20 entering.

21 Q And I'll object to your testimony as being
22 nonresponsive.

23 A I'm trying --

24 Q If you could --

1 THE COURT: Let me interrupt you.

2 You need to answer the question. She'll ask a question.

3 You answer it.

4 BY MS. FINCH:

5 Q I'm going to show you what I'll ask the court
6 reporter to mark as the defendant's first exhibit.

7 DEFENDANT'S EXHIBIT NO. 1 MARKED FOR IDENTIFICATION

8 BY MS. FINCH:

9 Q It's being designated as Exhibit 1. If you could
10 just please take a look at that exhibit. And without going
11 into its contents, if you could, describe what that is.

12 A Mr. Via?

13 MR. VIA: No. You can't ask me questions.

14 THE COURT: Ma'am --

15 THE WITNESS: I need my glasses. I can't read it.

16 THE COURT: I'll allow you to step out and get your
17 glasses.

18 THE WITNESS: I have never seen this. I don't recall it.

19 BY MS. FINCH:

20 Q And, again, the question that has been posed is, if
21 you could please, without going into its contents, describe
22 what this document is.

23 A Describe what this document is?

24 Q What is this document? Without going into its

1 contents, what is the document?

2 A I don't know. You handed it to me. I'm going to
3 guess. It's something - it's written by Trooper Brock.

4 Q Does this document bear your signature on both
5 pages, ma'am?

6 A Yep.

7 Q And is that, in fact, your signature?

8 A Yes, it is.

9 Q And did you review this document prior to affixing
10 your signature?

11 A I don't recall ever reading it, but, yeah, I
12 probably did. I don't know. I was shaking and -- anyway,
13 yeah, we had reported to 911. And I was a victim of a crime
14 that day. And he was busy stealing all my property and my
15 evidence. And it's --

16 Q Again, I'm asking that you identify the document.
17 And my last question was if that document bears your signature.

18 A Oh, yeah.

19 Q And so is this, in fact, a statement that you
20 provided to Trooper Brock on the 31st of October?

21 A I did not - it's not like he transcribed anything I
22 said. It's as if he pre-wrote all this stuff and then came in
23 and was alluding that if I signed this, he was going to make
24 Williams put my stuff back and stop stealing my stuff.

1 Q Okay. So your testimony to me is that you didn't
2 dictate this document, that this was prepared separately apart
3 from your presence?

4 A Yeah. He kept on going back and forth outside. He
5 was mostly spending time with Williams and watching them load
6 up a U-Haul truck and their vehicles and cherrypick through my
7 stuff and steal --

8 Q Your testimony is that this document was prepared by
9 Trooper Brock without your assistance?

10 A Yeah. I didn't write it.

11 Q And your testimony is that it doesn't accurately
12 reflect what you reported to Trooper Brock on the 31st of
13 October of 2015?

14 A I would have to -- I haven't seen this since --

15 Q Okay. Take as much time as you need.

16 A -- since then.

17 Q Take as much time as you need.?

18 A So I would have to go through things. I don't know
19 if it's exactly what I said exactly.

20 Q Ma'am, if you could just please take as much time as
21 you need. We'll be talking about this document for a few
22 moments. So, please, take as much time as you need.

23 A I've become a bit more familiar with it.

24 Q Have you finished reviewing the document?

1 A I guess. Yeah.

2 Q Have you read it in its entirety at this point?

3 A I believe so.

4 Q Okay. And so you've agreed that you signed this
5 document. And it appears to contain several inconsistencies
6 from your testimony here today. The first of which is that
7 this document recites that the incident happened on September
8 the 29th. Is there a reason why you misremember the date?

9 A I didn't misremember the date. I didn't write this.
10 Trooper Brock did.

11 Q Okay. So you seem like a pretty sophisticated
12 person. And my next question is, why you would sign something
13 that wasn't accurate?

14 A Because he never said he was doing anything formal.
15 We had called 911 because he cut the gate lock, trespassed --

16 Q And my question is --

17 A -- was stealing my property.

18 Q I'm sorry. If you could please just answer the
19 question, this will go much better. If you could please
20 explain, if you have an explanation, as to why you would sign a
21 document that wasn't an accurate report that you made to law
22 enforcement --

23 A Because --

24 Q -- on the 31st of October?

1 A Because he said he would stop him. He's stealing my
2 property, my personal papers, which that would endanger me.

3 Q So that was the reason you signed a document --

4 A Yeah.

5 Q -- that didn't accurately reflect what happened?

6 A Yes. They were --

7 Q So there's no explanation for why he said the
8 incident happened on the 29th of --

9 A I didn't say --

10 THE COURT: For about the tenth time, it is going to be a
11 question and an answer. A question and an answer. And you
12 will subsequently be given an opportunity for any explanation,
13 I'm sure. But at this point, you answer the question.

14 BY MS. FINCH:

15 Q This morning, you testified that the incident
16 happened shortly after or around the hour of 9:00. Correct?

17 A Uh-huh.

18 Q And in the statement which you signed, it says that
19 the incident happened not on September the 30th at 9:00, but,
20 in fact, on September the 29th at about 11:00. Is there any
21 explanation for that inconsistency?

22 A Yeah. Trooper Brock wrote this. I didn't. And at
23 this point, I was shaking in fear and had gone into shock.
24 He's stealing all my stuff and evidence of crimes.

1 Q You can stop there. That's a nonresponsive answer,
2 ma'am.

3 A I was not in a frame of mind --

4 Q If you could just wait to be asked a question.

5 THE COURT: Ms. Finch, I think that she did respond to
6 your question. And I think it was responsive to your question.

7 MS. FINCH: Okay.

8 BY MS. FINCH:

9 Q The incident that you describe in this document is
10 not the same incident that you described this morning. Is that
11 correct? Would you agree?

12 A No. There's parts in it that are consistent. It's
13 just not written by someone who was there or who knows about
14 it.

15 Q Is this in fact the first time that you talked to
16 law enforcement about that incident?

17 A No. We had gone to the barracks that Sunday.

18 Q And what gave rise to you offering this statement on
19 the 31st of October?

20 A Because we are waiting for them to do something
21 before. And they had said that they couldn't protect us. They
22 didn't protect the last guy that he had tried to kill who had
23 filed a report. They said the exact same stuff to him. We had
24 notes. We both took notes, asked what they could do for us.

1 And in fact, we had talked to Trooper Brock that day in the
2 barracks and, you know, were on the security camera and
3 everything there. We also talked to another guy who had
4 briefly come through.

5 And the point was, they said that they would probably
6 only charge him with the assault and the battery and that - the
7 same stuff that he had done to the last guy and that - that
8 that would be it, and that he could still end up harming us,
9 and that we had to decide whether it was worthwhile for us to
10 do that and then risk his retaliation. And so we told - we got
11 all the information, and then we went back. And we talked to
12 Dr. DeMarais and we talked to some people about our options on
13 what to do.

14 Q And then you wound up giving this written statement
15 on the 31st of October?

16 A No. Then later, he tried - Williams tried to
17 blackmail me and was trying to blackmail me to sign a contract
18 that I would never testify against him, that I would never go
19 to any police, I would never go to any watchdog groups, I would
20 never go to the media, I would never use his name again. And
21 it stated I had to move out of my home and never enter the
22 state of West Virginia again. I refused.

23 Then we'd gotten information from the people he'd been
24 talking to that he then used phase two of his blackmail of me,

1 was to conspire with other people actually who are in the
2 courtroom. And there's pictures of them. Trooper Brock,
3 Trooper Kelly have their information from that incident. That
4 they then conspired and came across state lines, and --

5 Q Okay. Is that --

6 (interruption by court reporter due to simultaneous speaking)

7 THE COURT: Ma'am. Ma'am. You are way beyond the line
8 of questioning and --

9 THE WITNESS: And that's --

10 THE COURT: -- you are going to have to follow the
11 Court's instruction to answer the questions and stick to what
12 the question is.

13 BY MS. FINCH:

14 Q So we'll move on to the next statement you gave to
15 law enforcement, which I'll ask the court reporter to mark as
16 the defendant's second exhibit.

17 DEFENDANT'S EXHIBIT NO. 2 MARKED FOR IDENTIFICATION

18 BY MS. FINCH:

19 Q And what I'll hand to you now has been marked as
20 Exhibit No. 2. And without going into its contents, if you
21 could please explain to me what that document is.

22 A This is the fourth - fourth time it was reported.
23 And so it says 12 to 15. We had already been meeting with the
24 sheriff a bunch of times before and given all of our evidence

1 to him. And then he made - Deputy Kelly, who got in trouble
2 with Trooper Brock, allowing Williams to steal my stuff and
3 then the illegal contract he entered me into and the blackmail
4 and holding my stuff hostage.

5 Q Is that what the document is?

6 A So he had him come to our house.

7 Q What is the document?

8 A Kelly and Jonese were in our house. And then they
9 said, just write something real quick because he has to go get
10 the warrants to arrest Williams. And so he said, don't go into
11 detail. Just write down something brief and quick. And then
12 they were going to take it. And so I did. They just said they
13 just needed something that they then, as the Sheriff's
14 Department, were going to file.

15 Q This is a statement that you gave on the second of
16 December. Correct?

17 A Yeah.

18 Q And on this date, you recall it to have been
19 Wednesday, September 30th. Correct?

20 A Yeah.

21 Q And you say -- what do you say in this document?

22 A Oh. That Will White Williams II met me as I entered
23 the workplace office where he began abuse. It resulted in him
24 threatening me and then lunging towards me, hand and fist, to

1 smash me in the face or head and then began to choke me. The
2 force of the attack knocked me back into the area of the corner
3 of the room away from the door. Mr. Oljaca was present at the
4 door, listening and watching and jumped in with great effort
5 and force and had to push back and pry him off my neck.
6 Williams fought him and it - continued to come after me and
7 shouting he needed to finish it. She knows too much. She has
8 to be dealt with. And then I was in pain and scared for my
9 life.

10 Q Did you re-enter the building besides use of the
11 restroom on the 30th of September or the 29th of September,
12 whichever day it was? Did you re-enter the building besides to
13 use the restroom?

14 A At what point in the day?

15 Q At all. At all.

16 A Oh. Just to go into the restroom. And then we went
17 through, out the back way, and then we went to Mr. DeMarais's.
18 We went back to the building later in the day after he had
19 left. We thought he had left. And he had, instead, gone --

20 Q What was your employment? What was the nature of
21 your employment?

22 A What do you mean by the nature of my employment?

23 Q What was your title?

24 A Oh. I was acting office manager. I was supposed to

1 start up the publishing for National Vanguard Books. And
2 before Mr. Oljaca got there, he had told me I was, at that
3 point - because when I got there, there was another employee
4 there who was chief of staff. But then he had tried to kill
5 him. And I was a witness to that. And then he left. And then
6 he gave me his title.

7 Q Actually -- I'm sorry. The question was, what was
8 your title?

9 A Oh. Well, it changed. So there was different
10 points with different titles.

11 Q So what was - what was the compensation you were
12 paid?

13 A The compensation I was supposed to be paid is what I
14 was paid. But it - ended up getting paid about \$1.27, roughly,
15 an hour. And he would demand six to seven hours.

16 Q What was your monthly compensation?

17 A Oh. It was inconsistent. He sometimes would - he
18 would have the money and not pay us. Or, he would then take
19 money out of it. He played little games with it.

20 Q Okay. What was your monthly compensation supposed
21 to be?

22 A I had no consistent monthly compensation.

23 Q Okay. And when were you supposed to be paid?

24 A Monthly.

1 Q At what time of the month?

2 A But he would pay me at the end, after I'd already
3 worked a month. The same, he would do that for Michael. In
4 fact, he took - owed Michael thousands.

5 Q So when this is supposed to have taken place, that
6 was the end of the month. Right?

7 A Yeah. Yeah.

8 Q Had you yet been paid for that month?

9 A No. He had been withholding it. He said he had
10 bills and he had expenses. And that he couldn't pay the
11 electric bill, so he wasn't going to pay us.

12 Q Did you get paid that month?

13 A I did. I demanded that he pay me because I got to
14 buy groceries. And so he played a little game with twenties.

15 Q When was that?

16 A I don't know. During - when he was there.

17 Q At the end of the month?

18 A I think he did it Monday or Tuesday.

19 Q So he didn't pay you after this alleged incident?

20 A Himself, no.

21 Q And you didn't come back in the building except
22 briefly to use the restroom and gather your things?

23 A That day?

24 Q Right.

1 A When we went through. But then he had left and
2 gotten into his truck and left the building area. So we had -
3 Michael went back in to get some of his stuff because he had
4 had his wallet and things. And when he would come, he would
5 steal things.

6 Q What time did he leave?

7 A I don't know. We were over at Mr. DeMarais's house.
8 And then -- I don't know. We didn't have much when he left the
9 property.

10 Q So your testimony is that you were paid at some
11 point prior to this incident?

12 A Yeah, so we could go to the store.

13 Q And how much were you paid, if you remember? If you
14 don't remember, that's fine.

15 A No. I've got it in some of my notes. He was
16 withholding money and was demanding that --

17 Q So you don't remember how much you were paid?

18 A I do. I have it in some notes at home because it
19 was used as evidence in another case. We had everything.

20 Q Did you incur injuries, as you've described, from
21 the blunt force injuries you described from the cabinets and
22 the bookshelf?

23 A Yeah.

24 Q Did you take any photographs of those injuries?

1 A No, not -- the ones that were on my shoulder or the
2 back of the legs, no.

3 Q You didn't take any photographs?

4 A No.

5 Q But you took photographs of this injury?

6 A Just that day, yeah.

7 Q How big a person is Michael?

8 A He's over 6'2", I think.

9 Q Would you say he weighs the same as Will Williams or
10 less?

11 A I don't know. I don't know how much each of them
12 weighs.

13 Q Do you think they were well matched in Oljaca's
14 defense of you?

15 A I don't know. Oljaca was terrified. He kept on
16 trying to just put his body between. So, I don't know.

17 Q So following what you've described as a brutal and
18 extended attack against you and Mr. Oljaca, what was your next
19 move after going to DeMarais's house and talking with him about
20 it? What did you determine to do next?

21 A We needed to beware - we didn't want him to go and
22 then interfere with Mr. DeMarais. So, we went from there. We
23 borrowed his Gator and went up to another part of the mountain
24 with our notebooks and some other things and some of our notes

1 from other incidents. And we tried to figure out what we could
2 do and options. So we were - pros and con lists.

3 Q And pros and cons of what exactly?

4 A If we -- okay. In like a mafia gang activity or a
5 cult, if you go to the police, you're marked for death. The
6 stuff they've been putting on the Internet, the same thing, the
7 threats --

8 Q You went to the police ultimately?

9 A We did. I did. And there's other people who've
10 gone to the police and the same.

11 Q And you remain very much living here today. Is that
12 correct?

13 A Yes.

14 Q And so at what point after your pros-and-cons
15 discussion did you decide to go to the police?

16 A Oh. We had to think about who we were all going to
17 contact within the organization.

18 Q When did you contact the police?

19 A The next day. Called the police barracks and asked
20 to speak to -- we had wrote -- there was a name we could
21 remember of somebody, but we couldn't remember -- we'd been
22 told --

23 Q Just the next day --

24 A Yes, we called the next day. And I left a message

1 for that person. And then they didn't call back. So then I
2 called the next day.

3 Q What else did you do the next day?

4 A But I called - so then I called the next day and
5 then I called the very next day. It's on the phone records.
6 Pardon?

7 Q What else did you do the next day, the first of
8 October, if you remember?

9 A Mostly, tried to document everything.

10 Q Did you go to work?

11 A Well, yeah. We were -- yeah.

12 Q And you continued to work - right - throughout the
13 month of October?

14 A Yeah.

15 Q And at some point in October, were you asked to
16 separate from your employment with the organization?

17 A No.

18 Q You were never asked to separate from your
19 employment?

20 A No.

21 Q You were never asked to leave?

22 A No.

23 Q You were never fired?

24 A No.

1 Q And so the incident that you were describing
2 regarding the removal of your belongings, which you asserted as
3 grand theft, that happened on the 31st of October. Right?

4 A Yes.

5 Q And that's the same day that you gave a statement
6 about this having been the 29th of September?

7 A Well, I didn't give the statement about it being the
8 29th. It was pre-written outside while he was hanging out with
9 Mr. Williams.

10 Q And so my question was, that day that your items
11 were being removed from the warehouse, that was the same day
12 that you signed the statement that Trooper Brock prepared for
13 you. Right?

14 A Right.

15 Q And so you at least reported the alleged assault on
16 the 31st of October? Even if, as you've testified, you
17 reported it before, you also did report it on the 31st of
18 October?

19 A Oh, yes, 'cause he'd already had the photographs in
20 their - the police already had a copy of the photographs.

21 Q But your testimony is that you were never fired, you
22 were never dismissed, you were never asked to separate from
23 employment?

24 A No. Who would've done that?

1 Q Who would have asked you to separate from your
2 employment?

3 A I was still working for the board and working for
4 them and continued to.

5 Q Okay. Who did you describe earlier today as having
6 been your supervisor?

7 A My immediate supervisor?

8 Q Correct. Who did you describe as being the boss?

9 A Oh. Well, Williams was trying to take control of
10 what was going on on the property. But we'd already had a
11 board meeting. And things had already been recognized. And he
12 just wanted a payoff. So he wanted - he was going to give
13 someone else the chairmanship, but he wanted a payoff.

14 Q Who hired you?

15 A The board did. The corporation.

16 Q Who? Who hired you? What person hired you? What
17 person told you, yes, come to West Virginia?

18 A Oh. The first contact? That was Mr. Williams. And
19 then after that, I met some of the board members.

20 Q Who paid you?

21 A Pardon?

22 Q Who paid you?

23 A Mr. Williams because he had --

24 Q And who asked you to leave prior to the 31st of

1 October?

2 A No one.

3 Q So your testimony is that you were never asked to
4 leave, you were never - your employment was never terminated
5 and you were never asked to separate from employment with the
6 National Alliance?

7 A No. When are you saying this happened?

8 Q Prior to the 31st of October when your belongings
9 were removed from the property and when you made this report,
10 were you asked to separate from your employment?

11 A No.

12 Q Okay. And so you testified earlier about a contract
13 that was sent to you, wherein you were asked to leave, never
14 come back, leave your home, as you testified.

15 A Right.

16 Q What was that?

17 A We had been getting - people that Williams had been
18 talking to about his plans, we had been getting information
19 from them. And so that he had been threatening me. Like, he
20 had been threatening -- okay.

21 Q What I asked was what the contract was.

22 A The contact was what they had been planning. There
23 were several stages. There was stage one, a blackmail. And
24 then there was stage two.

1 Q What was the contract?

2 A What do you mean, what was the contract? What do
3 you mean specifically?

4 Q What type of contract was it?

5 A It was just something that benefited him personally.
6 That I would not go to the police, that I would not report his
7 crimes. I would never testify against him. I wouldn't go to
8 the media and stuff like that, 'cause we were getting phone
9 calls on people he was talking to about this.

10 Q But you've explained that you were never terminated.
11 Right?

12 A No. Not by --

13 Q You weren't asked to leave, you weren't asked to
14 separate from your employment?

15 A No. In fact, when he was stealing this stuff, the
16 director of the corporation was on the phone with Brock,
17 telling him to have Williams leave. And then later saying that
18 another director, John McLaughlin, had talked to the police
19 about these things.

20 Q But these folks, they weren't the person that hired
21 you or --

22 A They were directors of the corporation and officers.

23 Q So at what point did you decide that Williams was no
24 longer your boss?

1 A He had published and was telling us all that he
2 wanted his payoff. He was getting off, out of it. We had
3 someone who was going to do a payoff. And then the idea was
4 John. But then at the 8/1/15 board meeting, two board
5 meetings, he kept going on and on about his plans to murder
6 people in detail.

7 Q Okay. So the question --

8 A And right beforehand, the guy who was going to take
9 his position --

10 Q So the question was, at what point did William cease
11 to be your boss? If you remember. And the answer would be a
12 period in time or a day, a week in October.

13 A I worked for the corporation's entities. Okay? And
14 they each had things that needed to be done for them. And then
15 regular things to take care of, things. He was continuing,
16 after the assault, to have me work on stuff for a law case, a
17 corporate lawsuit in Virginia because he personally --

18 Q Williams was?

19 A -- was in contempt. Yes.

20 Q You were working for Williams after the assault?

21 A His attorney and this other guy, they were
22 submitting to us what they needed because we had documents at
23 the office that they needed - he wanted to use.

24 Q Were you talking to him on a regular basis after the

1 assault?

2 A No. His wife was sending things from his e-mail
3 account. And then Timothy Calomeres was sending constant stuff
4 because he was in contempt --

5 Q So let me ask you for a third time.

6 (interruption by court reporter due to simultaneous speaking)

7 MS. FINCH: I apologize.

8 BY MS. FINCH:

9 Q Who replaced Williams as your boss?

10 A When they had the votes at the October 1st board
11 meeting, 2015, the votes at the National Alliance meeting was
12 first, then the National Alliance on the books. He wanted out.
13 This other guy was supposed to pay him. The same thing. He
14 just wanted out. The same stuff he's published.

15 Anyway, his tenure -- chairman is a one-year - following
16 the Virginia Nonstock Corporation Act and the other things, the
17 articles of corporation, it's a one-year role and you have to
18 be renewed. So at the board meeting, he was not renewed. That
19 then there was a unanimous vote that John McLaughlin was to
20 take on those positions. And so - and that that would end up
21 occurring on October 24th, 2015. In the meantime, he wanted
22 some payoff.

23 DEFENDANT'S EXHIBIT NO. 3 MARKED FOR IDENTIFICATION

24

1 BY MS. FINCH:

2 Q Okay. So what I'm going to show you is what has
3 been marked as Defendant's Exhibit No. 3. Without going into
4 its contents, if you could explain for me please, ma'am, what
5 this is.

6 A Yeah. This is the thing he sent me, that then we
7 had sent - we sent out 'cause -- anyway. Yeah.

8 THE COURT: You need to respond to the question. Ma'am,
9 you need to respond to the question. All I got from that is,
10 this is the thing. What is it?

11 THE WITNESS: I don't - this looks like -- I don't have
12 my copy that he had sent me. And then they'd been used in
13 exhibits in other cases. So I don't know if this is the exact
14 same thing that I'd been given before. But, yeah. When we got
15 this, this is -- yeah.

16 BY MS. FINCH:

17 Q What is it?

18 A This was his little attempt to get me to sign this,
19 to try to protect himself.

20 Q What is this document?

21 A If this is the same thing.

22 Q What is this document?

23 A Oh. He was trying to state that I was a contractor.
24 And that therefore he was trying to state that I was a - like,

1 a subcontractor and that he had a contract with me and that he
2 was now going to terminate that contract and therefore dissolve
3 a contract.

4 Q So this is a termination agreement?

5 A Oh. It states I'm a contractor. He's trying to --
6 at this point, he was already committing tax fraud. And so he
7 - lots of -- the records that were supposed to be given to the
8 IRS in the court case, he was -- there was a lot of stuff going
9 on that he --

10 Q Is this a termination of contract?

11 A Yes. This is a termination of a contractor
12 contract, which we never had. This was, again, another illegal
13 ploy.

14 Q And so you testified earlier that there was no
15 attempt at any point to sever your contract, to terminate your
16 employment with the National Alliance, to separate you from
17 employment. Correct?

18 A No. I was still in full contact with the other -
19 other directors and working for them and working on all the
20 different --

21 Q Is this a document that was transmitted to you by
22 Mr. Williams?

23 A Is it in the document that --

24 Q Is this a document that was transmitted to you by

1 Mr. Williams during the month of October, 2015?

2 A It looks similar to something I've gotten. It's
3 been since 2015. And the only time this was - I'd seen my copy
4 was when they were submitted in other court cases of evidence
5 of his crimes against me and then the corporate case for fraud.

6 Q And this document was transmitted to you, if I'm
7 correct, prior to you giving the statement on October 31.
8 Correct?

9 A It was mailed to me, yeah.

10 Q And prior to you giving the statement on the second
11 of December. Right?

12 A Yeah. 'Cause we presented my copy thing as evidence
13 of part of the crime, yeah.

14 Q So, in fact, Mr. Williams had attempted to separate
15 you from employment with the National Alliance. Is that
16 correct?

17 A No. Mr. Williams -- this was given to the other
18 directors. But Mr. Williams was illegally claiming that I was
19 a contractor, which I wasn't, and that he was terminating a
20 contract. And what he was doing is the same thing - he had an
21 illegal contract with Eric Gliebe --

22 Q Okay.

23 A -- same thing. He's using things to try to protect
24 himself, but they're false. And if you sign that, you're

1 committing a crime. So I wasn't going to sign any of this
2 stuff.

3 Q I don't desire to make life difficult for the court
4 reporter. But for that reason, I need you to answer my
5 questions in a manner in which they're presented. And so my
6 question was, Mr. Williams did, in fact, attempt to separate
7 you from employment prior to your report of October 31.
8 Correct? And the answer would be yes or no.

9 A Oh. No.

10 Q Okay. Thank you. You had stated that you had been
11 living on the property. And then in another portion of your
12 testimony on direct, you talked about living at Mr. DeMarais's
13 home. Could you clarify that? Were you living on the property
14 or were you living at DeMarais's home?

15 A Which property? 'Cause there's a whole bunch of
16 different parcels. My employment came with free housing,
17 utilities. And when I moved my things there, I had stuff in
18 storage units at other places.

19 Q Were you living on the property or were you living
20 at Mr. DeMarais's home?

21 A Originally, I was living on the property. He had
22 told me that there was ample suitable housing.

23 Q On the 30th of September, were you living on the
24 property or were you living in Mr. DeMarais's home?

1 A Oh. At that point, Mr. DeMarais's home because
2 there weren't any places. And I was living in an office room
3 that was full of toxic black mold. And I was having hives and
4 breathing problems. So I -- yeah.

5 Q Is it your testimony that Oljaca was not in the room
6 having a discussion the morning of this alleged attack? You
7 testified that Oljaca was out of sight of the room the whole
8 time until he intervened?

9 A Yes.

10 Q Your testimony is that he was not a part of this
11 discussion between you and Mr. Williams --

12 A No.

13 Q -- that precipitated this incident?

14 A No. They had had their own discussion because he
15 had burst into -- Mr. Oljaca was living in an office building
16 room. He had burst in and woken up Mr. Oljaca in his private
17 residence and --

18 Q So your testimony is that Mr. Oljaca was not in the
19 room with you all during the conversation that precipitated
20 this incident?

21 A Oh. No. He was right there at the doorway.

22 Q Okay. And your testimony is that Will was behind
23 the desk in your office. Correct?

24 A Yeah. But there's two parts to the room. But he

1 was at the area with the desk. And I had a bank of chairs
2 because of the mold and the moisture in the building. So I had
3 office chairs to put things on. You didn't want to put things
4 on the floor. So there's a bank of chairs on both sides.

5 Q And you described the conversation becoming heated.
6 And then you described going to leave the room and being
7 commanded not to leave the room?

8 A Yeah. He was asking things that you can't logically
9 answer. He was screaming that I was a fire witch.

10 Q And you mentioned going back to get your handbag.
11 Correct?

12 A No. I wanted to get one of the bags that was on his
13 side of the room. And then this was here. And so but I
14 couldn't. And I'm trying to just leave.

15 Q And you mentioned something about a banana and some
16 yogurt. Correct?

17 A Yeah. Yeah.

18 Q But if you were fearful, that couldn't possibly have
19 been in front of your mind, getting your lunch. Right?

20 A No. But the - I had a pocket knife. And in one of
21 the bags, there was a very, very old rusty .22 that hadn't been
22 fired, like, 15 years. But I had had it because we were
23 supposed to - I was going to have somebody fix it up so maybe I
24 could use it on bear when I was up at the garden.

1 Q You didn't mention any bookshelves or any filing
2 cabinets in either of these statements, did you?

3 A Yeah. I mean, the pushing into the corner. This
4 one, they said to just -- this is after I'd already done one
5 with the sheriff, in the sheriff's office. But he was - had
6 Mr. Kelly do it. And they came to the house. The one before,
7 yeah, talked about pushing into the corner and plus all that
8 was at the - I guess in the record from the previous trial.

9 Q And neither of these two statements describe any
10 kind of extended confrontation like you chronologued this
11 morning, do they?

12 A Yes. I don't have the other copy.

13 Q How do you explain the minor nature of your injuries
14 considering - as reflected in the photographs considering what
15 you've described this morning?

16 A What do you mean, minor?

17 Q Wouldn't you agree that the photographs depict some
18 red marks that could easily be made by pinching oneself?

19 A Oh, no. You can see in the photo. It's from his
20 nails pulling at me. The nails start here. And then it pulls.
21 And then it's raised.

22 Q Did you describe nails - his nails marking you in
23 either of these statements?

24 A We did in, I guess, court in talking to all the

1 different officers. Yeah. But the first time, it was the
2 blunt choking and the pressure. And then afterwards, he kept
3 on coming and trying to get at me again in between that.

4 Q Did you take photographs of your bruises that you're
5 describing that came later on?

6 A No. It was - the whole stuff afterwards, no, I
7 didn't.

8 Q So the next day, you called the police. And you
9 continued working. And you didn't take any photographs of your
10 bruises. Right?

11 A I continued working because I worked for the board
12 and that's where I was living and, you know, doing that. And
13 then, didn't take any pictures. I mean, people saw them as
14 they were healing, you know, when I was -- and then also that
15 my voice was affected for about a week. And then I was doing
16 hot tea or ice or something. And I had to do -- Bob had to go
17 get me anti-inflammatories because it had swelled up. My neck
18 had swelled up.

19 Q What time did you go to work on the first of
20 October?

21 A Pardon?

22 Q What time did you go to work on the first of
23 October?

24 A I don't know if I even officially went to work. I

1 have no idea. I mean, mostly, it was both of us doing stuff.
2 It's not a strict thing. A lot of our work involved having to,
3 every day, track the crazy stuff he was putting on the
4 Internet. And the - but I don't know whether - where we were
5 or when we were talking. But I don't know what time.

6 Q You went to the building the next day, though?

7 A Oh, yeah. We were making a lot of phone calls. And
8 we were using the computers. We were documenting everything.
9 And, yeah.

10 Q Were you not fearful?

11 A He wasn't there. He lives in Tennessee. It takes
12 him four hours to get here. And his wife would usually call.
13 And there's a whole bunch -- 'cause she wants to know before he
14 heads out because she knows she's got four hours. Yeah, he
15 wasn't there. He lives in Tennessee. And, plus, we are at the
16 office. What else are you --

17 Q October the 1st was the day you said that there was
18 a board meeting. Right?

19 A October 1st, yeah. He had come early.

20 Q And you described a change in leadership that had
21 taken place on about the 24th of October?

22 A At that point, his one-year term was expired. Yes.

23 Q Okay. And so he was your boss for at least three
24 more weeks. Right?

1 A Well, it depends. Everybody would've been my boss.
2 But I was also made an officer of one of the entities. And so
3 everybody had different duties and responsibilities.

4 Q Let's talk about that really quickly. You said you
5 were made an officer of one of the entities after this attack?

6 A No. Before.

7 Q When was that?

8 A When I first got there, and then - with all the
9 paperwork and things.

10 Q It wasn't as a result of this October 1st board
11 meeting you're describing?

12 A That's August - August 1st.

13 Q It's August 1st now?

14 A It was August 1st.

15 Q I'm going to show you --

16 A All the stuff was submitted to the corporate courts,
17 the minutes. And everybody's testified on this.

18 Q I'm going to show you a document. And if you don't
19 recognize it, that's fine, just tell me you don't recognize it.
20 Okay? And if you do recognize it, if you could just tell me
21 what it is.

22 A Okay.

23 Q Feel free to go through all the pages and take a
24 look and be familiar with it before you answer. And if you do

1 know what that document is, if you could tell me what it is.

2 A It looks like something from a blog.

3 Q Did you prepare that document?

4 A Pardon?

5 Q Did you prepare that? Did you write that?

6 A Not by myself, no.

7 Q But you did write it?

8 A I don't know. It's - probably, I would've done the
9 drafts. We sent lots of drafts back and forth. Different
10 people had editing access.

11 Q Back and forth to whom?

12 A Huh?

13 Q Back and forth to whom?

14 A To Mr. Oljaca and Mr. McLaughlin.

15 Q So you're familiar with this document, and you
16 participated in its preparation. Right?

17 A Yeah. I don't know if it's one of the drafts.

18 Q Okay. If you can hand it back to me, please.

19 MS. FINCH: And I'll have the court reporter, please,
20 mark that as Defendant's Exhibit 4.

21 DEFENDANT'S EXHIBIT NO. 4 MARKED FOR IDENTIFICATION

22 BY MS. FINCH:

23 Q And so now I'd like you to - knowing that you have
24 familiarity with this document and that you assisted in its

1 preparation, if you could tell me please what it is and what it
2 contains?

3 A Okay. I guess it's like a little article on
4 Williams being found guilty of criminal battery.

5 Q And that's about this case. Right?

6 A Yep.

7 Q And you helped to prepare that, to publicize
8 Mr. Williams's conviction. Right.

9 A Right, because they had done the same thing. Yeah.

10 Q And so you've described what sounds like some
11 disagreement over who the leadership of the National Alliance
12 and its related organizations are. Correct?

13 A What did -- when?

14 Q You've described that Williams was no longer your
15 boss after this incident. And then instead, you had other
16 bosses who were board members of the organization. Right?
17 That was your testimony? Right?

18 A Yeah. After what he did to me and the other stuff.
19 There was a lot of crimes he was involving a lot of people in,
20 and they didn't want to have anything to do with.

21 Q Well, but you also said that he wanted to walk away
22 from it. Right?

23 A Oh, yeah. He wanted his payoff. And so he had said
24 how much he wanted. The same when he did his settlement

1 with --

2 Q What is the purpose of this document?

3 A In your hand?

4 Q The one in your hand.

5 A What do you mean, what is the purpose? I
6 don't . . .

7 Q You prepared it. Right?

8 A I haven't seen this in, I guess, years. When's the
9 year this was printed? '16. So I haven't seen this in years.
10 And I don't know what draft it is. But, yeah. A bunch of us
11 were trying to get information out. And we figured that we'd
12 be safer the more information we got out there. Yeah.

13 Q So you published this to inform people about
14 Mr. Williams's conduct. Right?

15 A Yeah, I guess.

16 Q And you continued to live adjacent to the National
17 Alliance property and the related organizations' property
18 during this time. Right?

19 A Right.

20 Q And during this time, you believed yourself to be an
21 employee of the National Alliance. Correct?

22 A Yeah. Yes.

23 Q And you wanted folks to understand that Mr. Williams
24 was a fraud, a con man, a thief, a violent criminal, a

1 narcissist psychopath, and an SPLC snitch. Is that correct?

2 A Well, I didn't come up with that title. But, yeah.

3 It was because of the propaganda he was putting out. He was

4 putting out people's families' home addresses and their

5 parents' addresses. And they were threatening our families.

6 And then later on, I ended up having our pets murdered. And we

7 were being shot at.

8 Q We're going to let the judge read this of her own

9 accord, but --

10 A Well, I mean, we could've brought tons of things

11 he's published online saying crazy things to try to get people

12 to kill us.

13 Q Is it fair to say that this is not just about the

14 battery?

15 A What do you mean?

16 Q Is this about more than a battery?

17 A It was assault and battery and attempted homicide.

18 Q There's a issue about the leadership of this

19 organization during this period of time?

20 A No, not really. I mean, aside from . . .

21 MS. FINCH: I don't have any more questions, Judge. I

22 would ask for admission of Exhibits 1 through 4.

23 THE COURT: Any objection?

24 MR. VIA: No.

1 THE COURT: Defendant's Exhibits 1 through 4 will be
2 admitted.

3 DEFENDANT'S EXHIBIT NOS. 1, 2, 3, AND 4 ADMITTED

4 THE COURT: If we could take about a 10-minute break,
5 we'll come back at 11:20.

6 (break in the proceeding)

7 THE COURT: Mr. Via, you may proceed.

8 REDIRECT EXAMINATION

9 BY MR. VIA:

10 Q Ma'am, is the individual we've been discussing here
11 this morning by the name of Will Williams present in the
12 courtroom at this time?

13 A Yes.

14 Q Could you identify him for the Court, please?

15 A Over there.

16 Q Seated where, relative to --

17 A Sitting in the defendant's chair at the table with
18 Laura Finch.

19 Q Thank you, ma'am.

20 MR. VIA: Let the record reflect that identification.

21 THE COURT: So reflected.

22 MR. VIA: With that, that is all I have, Judge.

23 THE COURT: May this witness be excused?

24 MR. VIA: She is excused at this time. Insofar as being

1 released, I do not know. State would have no present intention
2 of recalling her at any point.

3 MS. FINCH: I don't have any intention of recalling her,
4 Your Honor.

5 THE COURT: So she may be released and be free to go?

6 MR. VIA: She may be released.

7 THE COURT: You may be released and you're free to go.

8 THE WITNESS: Thank you.

9 (witness excused)

10 THE COURT: State's next witness?

11 MR. VIA: Robert DeMarais.

12 THE COURT: You'll need to come forward to be sworn and
13 sign in as a witness.

14 (witness sworn)

15 DIRECT EXAMINATION

16 BY MR. VIA:

17 Q You may have to move a little closer to that mic.
18 We'll see how it goes here in your first couple of answers.
19 Please state your full name.

20 A Robert Allen DaMarais.

21 Q Mr. DaMarais, where do you presently reside?

22 A 139 - I forget. It's some little street that the
23 911 people named. But it's off Connector Road.

24 Q Is it in Pocahontas County, West Virginia?

1 A Yeah. It's something like Flamingo Road or
2 something.

3 Q How long have you resided there?

4 A 22 years.

5 Q And this is a home, as I understand it, that's built
6 on property adjacent to the property corporately owned by the
7 National Alliance or some other related entity. Is that
8 correct?

9 A Yes, sir.

10 Q I want to turn your attention, Mr. DeMarais, if I
11 could please, back to September 30th of 2015. And I'll ask you
12 if you were residing at the location you have described on that
13 date.

14 A Yes, I was.

15 Q How close is it, would be your estimation, from
16 where you reside to the office buildings on the adjacent
17 property or the building which housed offices on the adjacent
18 property?

19 A About 150 yards.

20 Q Do you know Garland Decourcy?

21 A Yes.

22 Q How long have you known Ms. Decourcy?

23 A Since April 2015.

24 Q At that time or near about that time is when she

1 came to work here in Pocahontas County?

2 A That's when I met her, yes.

3 Q Were you affiliated in some way with the decision to
4 hire Ms. Decourcy?

5 A No.

6 Q Do you know Will Williams?

7 A Yes.

8 Q How long have you known Mr. Williams?

9 A 23 years. Something like that.

10 Q All right, sir. As of September 30th, 2015, what
11 was the nature of your relationship with Ms. Decourcy?

12 A She was in an apartment, lived in an apartment in my
13 house, and still does.

14 Q Did you know her professionally through her work as
15 well?

16 A Not really.

17 Q Do you know where she worked at the time?

18 A Yes.

19 Q Where was she working at the time?

20 A She was working in the office building that's about
21 150 yards from my house.

22 Q What was the nature of your relationship, if any,
23 with Will Williams as of September 30th, 2015?

24 A Sort of a friend.

1 Q Was that a friendship that had developed over a
2 number of years you referenced having known Mr. Williams?

3 A Well, I knew him briefly, like, in 1994 and met him
4 once or twice after that. And then about 2015, he got
5 interested in this - these corporate properties that you
6 mentioned. And probably talked to him on a weekly basis or
7 e-mail.

8 Q So your relationship with him really didn't advance
9 much until nearly about the same time as you came to know
10 Ms. Decourcy.

11 A Well, about - I don't know - three or four months,
12 six months before that.

13 Q Okay. Now as of September 30th, 2015, Ms. Decourcy
14 was living in an apartment that's a part of your home. Is that
15 correct?

16 A Yes.

17 Q Do you remember the events, those that you are aware
18 specifically, of September 30th, 2015?

19 A Yes.

20 Q Did you keep tabs on Ms. Decourcy -- keeping tabs is
21 not the right way of saying it. Were you aware generally when
22 she would go back and forth from work?

23 A If I was awake, yeah.

24 Q Okay. Do you have any specific recollection one way

1 or the other of recalling or observing Ms. Decourcy going to
2 work on September 30th?

3 A No, except it was, I think, real early, like seven.

4 Q Do you remember seeing her September 30th, 2015, at
5 some point later in the day?

6 A Yes.

7 Q Describe for us, if you will, how it is that you
8 came in contact with her later that day?

9 A She came over to my house with Michael Oljaca. And
10 they wanted to borrow my Gator and chainsaw and go up and work
11 on the road, which is a road that these entities owned. And it
12 goes to the top of a mountain.

13 Q Okay. Without getting into what someone else may
14 have said to you specifically, were you made aware of an
15 incident or an altercation down at the office building?

16 A On that date, yes.

17 Q Yeah, on that day, September 30th, 2015.

18 A Yes.

19 Q Were you made aware of that when she came to your
20 home?

21 A Yes.

22 Q And who'd you say earlier was with her?

23 A Michael Oljaca.

24 Q Now without saying what either of them specifically

1 may've said to you, what was your understanding of the nature
2 of the incident?

3 A That Mr. Williams attacked her.

4 Q Was there any discussion or any advice that you gave
5 Ms. Decourcy relative to calling the police?

6 A Yes. I think I told her a couple of times to call
7 the police.

8 Q All right, sir. Did you see her specifically? Did
9 you personally observe her?

10 A Yes.

11 Q Was this inside or outside of your home?

12 A Kind of both. I think first inside and then
13 outside.

14 Q All right. What would be your description of your
15 observation of her, sir, at that time?

16 A Well, she was very nervous and frightened. And she
17 had a - kind of a twin bruise on the left side of her neck.

18 Q I'm going to put that in separate questions if
19 that's okay. If you would, describe as best you're able, what,
20 if any, injuries you were able to see upon her. You may have
21 already done it. But what I'm asking you is, describe the
22 physical injuries?

23 A It was kind of like twin bruise. That was two
24 bruises that were together. And each was about a half an inch

1 wide and about two inches long.

2 Q Where were those located on her body?

3 A On the left side of her neck.

4 Q Any other injuries that you were able to observe at
5 that time?

6 A I sort of saw something on the other side of her
7 neck. But, you know, she has sort of freckly skin. And it
8 wasn't significant compared to that.

9 Q At any other point in time later on that day, did
10 you see her again? Because, I assume she left after the first
11 contact that you described.

12 A Yeah. I think they came back shortly, like an hour,
13 hour and a half.

14 Q Were you able to make any observations at that time
15 different or in addition to the ones you've made previously?

16 A No. I didn't look, other than she certainly was
17 still nervous and frightened.

18 Q Was Mr. Oljaca with her upon her second - second
19 time she came up to your home?

20 A I think so.

21 Q Was there anyone else present with her on either
22 occasion?

23 A No.

24 MR. VIA: That's all I have of this witness, Judge.

1 Thank you.

2 THE COURT: Cross, Ms. Finch?

3 MS. FINCH: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MS. FINCH:

6 Q Sir, you had stated that you didn't observe bruising
7 after the day in question necessarily. Was that your
8 testimony?

9 A Yes. I didn't look for it.

10 Q And you weren't made aware of any injuries that were
11 sustained other than what you observed on the date in question?

12 A Correct.

13 Q And did you ever --

14 A You mean, did I observe? No, I did not.

15 Q And did you ever assist in taking any photographs of
16 any injuries?

17 A I didn't.

18 Q You have a telephone at your home. Correct?

19 A Yes.

20 Q And did Ms. Decourcy ask to use the telephone on the
21 day in question? Well, let me ask this. Would she have had to
22 ask to use the telephone?

23 A No. She wouldn't have had to ask. She has a
24 telephone in her apartment that's an extension, you know. It's

1 wireless. She has one of the wireless handsets.

2 Q You didn't observe her to use the telephone
3 immediately following what was supposed to have been an
4 incident?

5 A No, I didn't.

6 Q She went on with Michael up the mountain --

7 A Right.

8 Q -- on the Gator? They took a chainsaw?

9 A Yes.

10 Q Did she stay out of the house for the rest of the
11 day?

12 A I don't think so. I don't remember. They came back
13 and -- I don't remember.

14 Q Did she continue to work in the weeks that followed
15 this day?

16 A Yeah, for about a month.

17 Q She continued to work in her ordinary comings and
18 goings from the apartment or the subdivision of your home to
19 the office space and back?

20 A Well, kind of a vague question. But other than that
21 she was a lot more alert, you know. She was afraid of
22 Mr. Williams and expressed that.

23 Q Did you understand that she was terminated from her
24 employment at some point?

1 A No. As far as I know, she still works there. I
2 mean, because I'm not aware of any termination.

3 Q Works for whom?

4 A Good question. I think, technically, she works for
5 Mr. Oljaca. Although, Mr. Williams is on a slight flat
6 corporate structure.

7 Q When did your friendship with Will go south? When
8 did you friendship with Will go south?

9 A At that point, it was -- after she reported that he
10 had attacked her and I saw the bruise, it went south pretty
11 fast. But we were still, I think, on speaking terms for a
12 month.

13 Q Had anything happened in the months leading up to
14 that that would've impaired your friendship?

15 A Not significantly.

16 Q And you stated that you believe Ms. Decourcy to
17 continue to be an employee of the National Alliance --

18 A Yes.

19 Q -- to this day?

20 A Well, I don't -- the question you asked me was --

21 Q Was she ever terminated?

22 A Yeah, was she ever terminated. And I don't know
23 that she was.

24 Q Were you there on October the 31st when the police

1 responded to the incident regarding the removal of property?

2 A Yes.

3 Q Did you understand that on that day, Ms. Decourcy
4 made the complaint of the alleged battery to law enforcement?

5 A She complained about that. I don't know whether
6 you'd say that was the complaint.

7 Q Were you there while she gave any statement
8 regarding that?

9 A I don't know.

10 Q Did Trooper Brock come to your home at all?

11 A Yeah, Trooper Brock and Deputy Kelly.

12 Q This is on October the 31st still. Right?

13 A Yeah, the day of - the property day.

14 Q Did you witness any interview by Trooper Brock of
15 Ms. Decourcy?

16 A I mean, I think they were doing something. We were
17 all in the basement, what I call the stove room, which is a
18 fairly big room. It's like 12x16 or 12x18. So there's four of
19 us in that room, a deputy and a trooper and she and I. And
20 they may have been - sort of, I remember they were at the other
21 end of the room, talking. And I was talking to Kelly, I think
22 his name was, at the other end of the room. But I don't, you
23 know - I didn't pay much attention. But, no, I didn't hear the
24 actual questions and see him write down anything. I mean, I

1 saw him write down things, but I have no idea what it was.

2 Q Did she write -- excuse me. Did Trooper Brock write
3 down things in Ms. Decourcy's presence?

4 A I think so, but I don't, you know . . .

5 Q And so that was an extended encounter on the 31st of
6 October between Trooper Brock and Ms. Decourcy. Correct?

7 A What does extended mean? I mean . . .

8 Q Well, you tell me. About --

9 A We called the cops, and the cops came out there.
10 And we talked to them for about ten minutes. And then they
11 went out and talked to Mr. Williams for longer than that, like
12 30 - 45 minutes. And I think he came in and said he was
13 leaving.

14 Q Brock did?

15 A Brock did, yeah.

16 Q What did you understand to be the reason why
17 Williams had removed those belongings from the warehouse?

18 A He wanted them out of there.

19 Q But you didn't believe that to have been a
20 termination of employment of Ms. Decourcy?

21 A No.

22 Q What was it then? What was it if not a termination
23 of employment?

24 A I'm not a lawyer, but I think it was an illegal

1 eviction if not a felony theft.

2 Q Is it your position or your understanding that
3 Mr. Williams was not Ms. Decourcy's boss on the 31st of
4 October.

5 A He was - he had only two people working for him
6 there, Decourcy and Oljaca. And Oljaca was apparently brought
7 in to take over. She had been kind of head of the property.
8 He was brought in to take over as head of the property. And
9 she was going to work for him. He didn't know anything. He'd
10 hardly ever been out of New York City in his whole life. He
11 knew nothing about the job or anything. So I think she was
12 still getting most of her instructions directly from
13 Mr. Williams or his wife.

14 Q So she was working for Mr. Williams?

15 A Yes.

16 Q And so was Oljaca?

17 A Yes.

18 Q On the 31st?

19 A Yes.

20 Q At what point did Ms. Decourcy inform you that
21 Mr. Williams had asked her to leave the property?

22 A I don't remember. I know that there is a contract
23 or whatever he wanted to call it. He wanted her to sign
24 something to leave the property, but I don't know if it even

1 mentioned employment.

2 Q That was at some point prior to the 31st of October
3 of 2015. Correct?

4 A Yeah.

5 Q And so was it not your understanding that
6 Mr. Williams was seeking to terminate Ms. Decourcy's
7 employment?

8 A Terminating employment is a legal term. He was
9 trying to drive her out of there.

10 Q Was he trying to fire her?

11 A I would say he was trying to drive her out. And if
12 that is a net effect of her not working for him anymore,
13 that's - if you want to call that firing, that's -- I don't
14 know.

15 Q So what is your understanding of the action taken by
16 Ms. Decourcy to prosecute this alleged battery prior to the
17 31st of October? What is it within your personal knowledge of
18 things that may have happened, phone calls that were made,
19 visits that were made respecting this alleged battery?

20 A Well, I know that she went to talk to Trooper Brock
21 on October 4th. I mean, she told me that. I think she took
22 Mr. Oljaca with her. And they borrowed my truck to go, my
23 pickup. You mean legally prosecute him?

24 Q What she did, if anything. But it sounds like -- I

1 think you answered the question. She was living with you?

2 A She has an apartment in my house.

3 Q And so were you aware of her going to the doctor or
4 the hospital with respect to these injuries?

5 A No.

6 Q Did she complain of any pain or suffering in the
7 days following this alleged battery?

8 A No.

9 Q Has anything else happened between you and Will
10 Williams that was destructive of your friendship besides what
11 we've talked about here today?

12 A You mean at that time?

13 Q Well, at that time and then in the several months
14 following that. Because, you said earlier that you thought you
15 were basically friends with Will. Is it fair to say that you
16 are no longer friends with Will?

17 A That's absolutely correct.

18 Q And so besides this incident that we're here
19 discussing today, has anything happened that destroyed that
20 friendship?

21 A Yes. He hired this 6'3", 245-pound, armed,
22 24-hours-a-day thug to harass Decourcy and I.

23 Q Do you know that he hired him to harass you guys?

24 A No. I know that he brought him to the property and

1 that that same day and thereafter he did.

2 Q So that caused you some pain and suffering yourself.
3 Right?

4 A Well, that was - got me from 80 percent not liking
5 Will Williams to 98 percent not liking him.

6 Q Is it just this incident that got you to 80 percent
7 or was there something else?

8 A Well, I was getting to know him better. Nothing
9 big. Just a lot of little things that in our conversations
10 that he'd say that, you know, wouldn't add up. So . . .

11 Q Are you a member of the National Alliance now?

12 A No.

13 Q Were you at one point a member of the National
14 Alliance?

15 A Until after Dr. Pierce died. I would say 2002.

16 Q You and Dr. Pierce were friends?

17 A Dr. Pierce didn't really have any friends. I mean,
18 he was a very intellectual kind of guy. We were very close
19 colleagues and confided in each other, as far as . . .

20 Q You have a Ph.D. too. Right?

21 A Yes.

22 Q What is that in?

23 A Business.

24 Q What was his Ph.D. in?

1 A Physics.

2 Q When did you move to the property?

3 A May 1996.

4 Q By that, I mean the property where you live, not the
5 property owned by the National Alliance. Correct?

6 A In May of 1996, I moved and lived in a old trailer
7 house that they had out there that was called the guesthouse.
8 And then I think - then I bought this house. It was Elkins
9 Builders. It's not like a side-by-side, but sort of. I mean,
10 it's a prebuilt house. They brought it in and put it together.
11 And I think that was, like, September of 1996. And I moved
12 into the house, you know, I think the day or the day after they
13 put it up.

14 Q And so then you continued as a member of the
15 National Alliance, living close by, for about six or eight
16 years, something in that neighborhood?

17 A Yeah.

18 Q You were not a member of the National Alliance at
19 the time that these events took place. Correct?

20 A No.

21 Q You were, however, acquainted with Williams and
22 perhaps friendly with him?

23 A Yes.

24 Q I'm going to show what I'll ask the court reporter

1 to mark as Defendant's Exhibit 5.

2 DEFENDANT'S EXHIBIT NO. 5 MARKED FOR IDENTIFICATION

3 BY MS. FINCH:

4 Q Without immediately going into its contents for me,
5 if you could, Dr. DeMarais, explain to me what that is.

6 A It's a post by me on a forum. I'm not even sure
7 what forum. It should be in the bottom of it. In fact, it
8 doesn't look like a screen grab at all. But it's a post by me.
9 And I'm - like I say, without reading it, I couldn't tell you
10 what forum.

11 Q Go ahead and take your time and read it because I
12 want to be sure that you wrote it.

13 A What I wrote or?

14 Q What you wrote.

15 A Do you want me to read them both?

16 Q No. Just the first one is good. Did you, in fact,
17 write this?

18 A Yes, I think so.

19 Q And you're describing in this some kind of activity
20 that happened on the compound in 2004, beginning in 2004?

21 A Yes.

22 Q What was that?

23 A The fellow who took over after Dr. Pierce, Erich
24 Gliebe and his sidekick, Shawn Walker, tried to evict me from

1 my home. I left their group, and they tried to evict me from
2 my home.

3 Q Unsuccessfully?

4 A Unsuccessfully.

5 Q But do you associate Williams with that crowd?

6 A Well, at that time, he wasn't associated with them.

7 Q Since then --

8 A But he was - he says at least that he was put in his
9 positions out there by Erich Gliebe, who was the principal back
10 in 2004.

11 Q And then you talk about being prepared to fight
12 Williams?

13 A Yeah.

14 Q Could you read that paragraph for us?

15 A I'm prepared to fight Williams's wrongs for 11 years
16 and two months. He and I will be both over 80 then. 80 is no
17 fun. At 80 years, it's hard to walk, hard to sleep, hard to go
18 to the bathroom, hard to get up and go downstairs, put on your
19 pants, and even hard to get out of bed.

20 Q Is what you read - is it fair to say you have
21 something against Mr. Williams?

22 A Yes. To start with, he choked a woman. And then
23 when I didn't help him drive her off the property, he did
24 everything he could to get rid of me.

1 Q But you're describing things that go back 14 years
2 in this post. Right?

3 A No. No. I'm going to say that Mr. Pringle built
4 five rock piles of rip-rap, which is rock that's about as big
5 as a softball, to block the road. He blocked the road with a
6 blue tractor in two different places -- these are all different
7 days. In two different places. And he knew about these,
8 Mr. Williams did. And I mean there'd be all kinds of things,
9 like they'd start shooting guns, not Mr. Williams, but
10 Mr. Pringle and his buddy would start shooting guns at, like,
11 seven in the evening and continue. They have drunken parties,
12 screaming and yelling. They'd scream and yell at me.

13 Q And it was after all of that that you made this
14 post - right - some of it at least?

15 A Yeah, some of it. Mr. Pringle was already there on
16 May 5.

17 Q So nobody had to twist your arm to come testify
18 against Mr. Williams today?

19 A No. You wouldn't ever have to twist my arm to get
20 me to testify. Alls you'd have to do is ask me to, against him
21 or anybody.

22 Q Because you're prepared to fight him for what is
23 now, I guess, the next nine years and eight months. Right?

24 A Yeah. I wanted him to understand -- he apparently

1 was under the impression that - 'cause I'm a timid guy, he was
2 under the impression that he could bully me. And as events -
3 these rip-rap walls and all this stuff occurred after this.
4 And I just wanted him to know that if he wanted to -- he was
5 still telling other people that he was going to take my
6 right-of-way -- to have to cross their property to get to my
7 home, they were going to take my right-of-way away. And he
8 knew 'cause I'd told him before that I'd spent like \$24,000 in
9 the first suit, that he knew that I was willing to go whatever
10 distance it was. And I thought it would be obvious to him
11 that, you know - that I was fighting for my home and he was
12 fighting for nothing.

13 Q So if Mr. Williams were convicted here today, that
14 would serve, at least in part, to carry out your fight against
15 him for the next 11 years and two months. Right?

16 A Yeah, probably. It'd certainly take him out of the
17 fight if they sent him to jail.

18 MS. FINCH: I don't have any more questions, Judge.

19 THE COURT: Redirect?

20 MR. VIA: Yes, ma'am.

21 REDIRECT EXAMINATION

22 BY MR. VIA:

23 Q Mr. DeMarais, you said you implored Ms. Decourcy to
24 call the police when she arrived at your home on the 31st of

1 September 2015?

2 A Yeah. I don't know what implored means, but I
3 think --

4 Q Encouraged.

5 A Yeah. I think my natural reaction was, you know -
6 like I said, I'm kind of a timid guy. Well, call the cops.
7 Then she kept talking. And I said, well, call the cops.

8 Q Do you know if she did?

9 A No, I don't know if she did or not. I don't think
10 she did, not that day.

11 Q Are you aware, one way or the other, what contact
12 she made with law enforcement beyond September 30th, 2015,
13 other than the October date, where law enforcement came to your
14 home?

15 A You mean, aware --

16 Q Yeah, where --

17 A She told me, I think, that she called them the next
18 day, the day after the choking. And then like I said, she met
19 him a few days later.

20 MR. VIA: All right, sir. Thank you.

21 MS. FINCH: No recross, Your Honor.

22 THE COURT: May this witness be excused?

23 MR. VIA: Yes.

24 MS. FINCH: Yes, Your Honor.

1 THE COURT: You may step down.

2 THE WITNESS: I'm still under this caution?

3 MR. VIA: He's excused as far as the state's concerned.

4 THE COURT: You're an excused witness, so you will not be
5 subject to recall.

6 (witness excused)

7 THE COURT: Does the state have any additional witnesses?

8 MR. VIA: State rests.

9 THE COURT: Ms. Finch?

10 MS. FINCH: Your Honor, at this point, I would ask to
11 publish the exhibits to Your Honor. And perhaps -- I have a
12 motion, but perhaps I can make that after the break.

13 THE COURT: Why don't we take a break. And we'll come
14 back at 1:15.

15 MS. FINCH: Very good. Thank you, Judge.

16 MR. VIA: It is conceivable that Mr. Decourcy could be
17 called as a rebuttal witness. And I know there's differences
18 of opinion on how that affects sequestration. Do you wish for
19 her to remain sequestered if there's a possibility she would be
20 called as rebuttal? Rebuttal witnesses typically aren't
21 sequestered, but I don't want to do something that's going
22 to --

23 MS. FINCH: I don't mind if she goes to lunch with folks,
24 but if they could avoid talking about the case.

1 MR. VIA: You wish her to remain sequestered. That's
2 appropriate. I will tell her.

3 THE COURT: I would like then Ms. Decourcy to come back
4 and let me make her aware of that.

5 MS. FINCH: And I would ask Mr. Williams be permitted to
6 have lunch with his wife, but they'll promise not to discuss
7 the case.

8 THE COURT: Any objection?

9 MR. VIA: No. I don't think sequestration applies to
10 lunch.

11 THE COURT: I just need to make sure that the
12 conversations are limited.

13 We're going to take a break for lunch, for the purpose of
14 lunch, resume at 1:15. Ms. Williams, you are still sequestered
15 as a witness with regard to the defense case. I understand
16 that you may be having lunch with your husband. But you are
17 not to discuss the case, your testimony or what's occurred in
18 the courtroom this morning.

19 Ms. Decourcy, you are subject to recall as a rebuttal
20 witness. So in that respect, you are not to discuss your
21 testimony with anyone or what's occurred in the courtroom this
22 morning. And if you're recalled as a witness in rebuttal, then
23 we'll know that this afternoon. So, you'll need to be back
24 here at 1:15 in case you are, in fact, recalled.

1 With that, we'll just stand adjourned until 1:15.

2 MS. FINCH: Thank you, Your Honor.

3 (break in the proceeding)

4 THE COURT: Before the break, the state had completed its
5 case. And I have reviewed the exhibits during lunch break.

6 Is defense ready to proceed?

7 MS. FINCH: Thank you, Your Honor. We would ask that the
8 witnesses be sequestered.

9 THE COURT: If you are here for purposes of testifying,
10 yes, you need to be sequestered. Do not discuss your testimony
11 before or after testimony.

12 Are there any other witnesses in the courtroom?

13 MS. FINCH: Dr. DeMarais has been released.

14 THE COURT: Trooper Brock, if you'll be sworn in at the
15 time that you're called. If you'll please just do not discuss
16 your testimony before or after testimony.

17 (witness sequestered)

18 MS. FINCH: Thank you, Your Honor. At this point, it
19 would be the defendant's motion for a verdict of acquittal
20 based upon the presentation of the state's case lending,
21 certainly, to a reasonable doubt that the events took place in
22 the fashion that they were described as taking place. I think
23 it's clear that the alleged victim's statements both on the
24 31st of October 2015 and on the 2nd day of December 2015 differ

1 from the narrative that she's provided here today.

2 There is no law enforcement present to speak to the
3 investigation that took place or what was gleaned from that
4 investigation. There is within these written accounts a
5 discrepancy as to the dates and times. The photographs show
6 something that could perhaps be an injury, but do not show an
7 injury that would've resulted from a brutal attack as was
8 described. Based upon the evidence that's been presented as
9 Exhibits 4 and 5, these witnesses have a clear bias and a
10 motive to lie in this case. And so I'm asking the Court for a
11 directed verdict of acquittal at this time.

12 THE COURT: Mr. Via, state's response?

13 MR. VIA: The uncontroverted evidence before the Court at
14 this time is an attack, a battery, an obvious battery. The
15 witness described the physical altercation, the choking that
16 ensued. There was another witness that testified as to her
17 demeanor afterwards. Ms. Finch argues about inconsistencies in
18 statements. I would challenge and invite the Court to read the
19 statements. And but for the date being wrong, I don't think
20 the Court's going to find any inconsistency. What these
21 statements describe is a very clear battery. All three of
22 them - her testimony today, as well as the two previous
23 statements in evidence, all three satisfy all elements of
24 battery. And given the standard at this point is to view the

1 evidence in the light most favorable to the non-moving party,
2 so much of this is uncontroverted at this point, there's no
3 basis for this case to be dismissed at this time.

4 THE COURT: Well, under Rule 29 on a motion for judgment
5 of acquittal, the Court, in order to grant a motion, would have
6 to find that the evidence would be insufficient to sustain a
7 conviction. And I did not - upon listening to the testimony
8 and review of all the exhibits, I do not so find, that the
9 evidence is insufficient when viewing all evidence in the light
10 most favorable to the state. And I'm going to deny the motion.

11 MS. FINCH: Thank you, Your Honor. The defense would
12 call its first witness, Mr. William Williams.

13 THE COURT: You'll need to come forward and be sworn to
14 testify. Mr. Williams, you need to be aware that you are
15 subject to -- you're the defendant in this case. You have the
16 right to remain silent, if you so choose to remain silent. If
17 you choose to testify, then you will be subject to
18 cross-examination by the state.

19 THE DEFENDANT: Understood.

20 THE COURT: You may be sworn.

21 (defendant sworn)

22 DIRECT EXAMINATION

23 BY MS. FINCH:

24 Q Mr. Williams, if you could please state your name

1 and address for the record.

2 A William White Williams, [REDACTED], Mountain
3 City, Tennessee.

4 Q And are you currently employed?

5 A I have a job. I'm chairman of the National
6 Alliance.

7 Q And you've heard some controversy today over who the
8 chairman of the National Alliance is. Can you explain your
9 reason for saying that you're the chairman of the National
10 Alliance?

11 A Well, I was duly appointed by the board in October,
12 October 24th to be exact, 2014, and have held that position
13 ever since. I'm president of the board and treasurer of the
14 board of directors.

15 Q Did you in the course of your engagement as the
16 director of that organization employ the victim in this case,
17 Garland Decourcy at some point --

18 A Yes.

19 Q -- in 2015? And for what purpose did you employ
20 Ms. Decourcy?

21 A She contacted us and was desperate, being evicted
22 from her home in Virginia, and was in an abusive relationship
23 and needed to be, more or less, rescued. So, I told her to
24 come on up.

1 Q For what purpose was she employed?

2 A It evolved. She could do some business activities.
3 And she wanted to have a garden. Mostly just office work, some
4 office work.

5 Q What was the arrangement upon her engagement to work
6 for you?

7 A Well, I paid her \$800 a month and gave her a place
8 to stay and work. She was pretty much a free-spirit, doing
9 what she wanted to do. But I was in Tennessee. I have to have
10 a presence there. And the previous employee - employee,
11 Randolph Dilloway, I fired him on May 3rd. And she was there.
12 Trooper Brock was there. And I was just glad I had somebody
13 there 'cause I was getting rid of the previous fellow. And
14 that's how it stood for a couple of months.

15 Q Now that property in Mill Point, you do not own that
16 property personally?

17 A No. Correct?

18 Q Who owns that property?

19 A That's the Cosmotheist Community Church on the lower
20 60 where most of the buildings are or where all of them are.
21 And there's a gatehouse that's owned by the National Alliance
22 right inside our gate. And we've got
23 three-hundred-and-twenty-some acres behind that, that National
24 Alliance owns.

1 Q Was Ms. Decourcy a member of the organization prior
2 to coming --

3 A I think she was back in the early '90s.

4 Q And when did she arrive at the property?

5 A Our first contact, I believe, was April 13th, when
6 she put a comment on my magazine, wanting to get up with me. I
7 didn't know what it was. I didn't recognize the name. And but
8 our media director sent me her e-mail address. And I wrote
9 her, and she said, oh, I gotta - I gotta get out of here. And
10 so it's just -- we wanted to help her.

11 Q So for about how long was her employment with you
12 peaceful?

13 A The first -- well, it was hot. That May 3rd, it was
14 a very hostile situation where I had to call the police,
15 Trooper Brock and his shift supervisor, Sergeant Barlow, and a
16 forest ranger. I forget his name. But they came out and
17 escorted Mr. Dilloway off our property.

18 Q That was another employee. Correct?

19 A That was the one that was before her, but she was
20 there and witnessed it all.

21 Q And so at what point did you determine that she did
22 not believe she worked for you?

23 A I don't know what she thought. But by August, it
24 was becoming problematic. I brought Mr. Oljaca in to be

1 between me and her. I couldn't communicate with her. And that
2 was the end of July.

3 Q How do you mean you couldn't communicate with her?

4 A Well, she just talks over you and runs her mouth.
5 And it's just -- I've never had an employee that was so
6 unresponsive. And she's kind of conspiratorial. She had all
7 these conspiracy theories of this, that, and the other. She
8 has some social skills at the beginning. Most people are
9 impressed. But then after awhile, they just don't want - they
10 avoid her. And that's just a pattern.

11 Q So bringing your attention to the 30th of September,
12 you heard Ms. Decourcy describe your visit to the property.
13 Can you say when you arrived at the property relative to the
14 events alleged to have taken place?

15 A She says it was on Monday, the 28th. And I guess
16 that's probably about right.

17 Q So for the first two days you were there, was there
18 any physical altercation?

19 A None. No.

20 Q And then when Ms. Decourcy arrived at work on the
21 30th of September, being that Wednesday, were you present in
22 the building already?

23 A Yes.

24 Q And were you sitting at Ms. Decourcy's desk?

1 A Yes.

2 Q When she arrived, you were sitting there?

3 A Yes.

4 Q What was the conversation that ensued?

5 A Well, I wanted to talk to them, particularly
6 Mr. Oljaca. And I had some questions for him. And she came in
7 the room too. And, you know, I didn't object to that.

8 Q So you were speaking with Mr. Oljaca?

9 A Yes. He wasn't outside in the hall as she said. I
10 was sitting at my desk, and he was sitting here.

11 Q And this was her office?

12 A Well, it's my office. But, yeah, that's where the
13 telephone is and the computer.

14 Q What was the conversation about?

15 A I was asking Mr. Oljaca why he hadn't gotten a key
16 to that office. She was keeping it locked and keeping him out,
17 even though he was put there between us as chief of staff. And
18 I asked him about that, and she wouldn't let him answer. She
19 was talking over him. I told her to just shut up. And then I
20 wanted to know why, when I e-mailed him, that she writes the
21 return - the reply to my e-mail to him. And why is she
22 listening in on phone calls between me and him. That's what
23 the conversations were about. But he couldn't answer. She was
24 running her mouth, talking over us. I told her to shut up. And

1 that's what brought it to a head, I guess.

2 But she was sitting across from me by the window. And at
3 some point, she jumped up and comes at the desk and starts
4 shaking her finger in my face, calling me psycho, and I don't
5 have any friends, and nobody likes me, and, you know. I said,
6 well, okay. But she comes right at me. And I hold my arm out,
7 like this, to stop. I'm behind a desk, mind you. I'm not able
8 to choke her, if I could. And it did touch her chin. So she
9 was touched. But she touched me, my hand with her chin, you
10 could just as easily say.

11 Q Was the conversation as Ms. Decourcy described about
12 her telephone calls or her investigation on the Internet about
13 what people were saying about you?

14 A Not really. Part of it, the night before, I was in
15 the office across the hall, which was Mr. Oljaca's office. And
16 I was typing, working on a monthly bulletin. And it was, like,
17 10:30 -- 11 at night. I didn't even know she was in the other
18 office. The phone rang. I picked it up. And it was this
19 fellow, Harrington, who I'd met years and years ago. And
20 nothing sensational. I asked him, well, how did you get this
21 number. He said, oh, on a "E" list. And said, well, okay. I
22 said, she's not here, but give me your number. And I wrote her
23 number down - I mean, his number down. And we ended the
24 conversation.

1 And when I left, I saw the light was on. And I went over
2 there. And I gave her the number. I remember when I wrote it,
3 it was the driver's license manual so Michael could get his
4 driver's license for West Virginia. And I wrote it on the back
5 there and handed it to her and asked her about this "E" list
6 thing. What is this "E" list thing? And she gave me some
7 answer that really wasn't very satisfactory. I said, well,
8 okay. That was about the end of it. She left and went home
9 and I went to bed. I don't remember ever even mentioning any
10 of that the next morning because it wasn't a big deal.

11 Q So you were seated behind the desk. And how was it
12 that Ms. Decourcy was going to be able to get across the desk
13 to get at you?

14 A She wouldn't. She was just coming right in my face
15 and screaming. Really, I'd never seen anything like it. When
16 she worked for me, she called me psycho and all this silly
17 nonsense. Michael Oljaca was sitting there. He wasn't out in
18 the hall, like she says. And when we were both standing, he
19 stood too. But there was no choking. There was no beating
20 with my fists or slapping with my hand or any of that, pushing
21 her into the corner, into the filing cabinet and the table or
22 whatever. It just didn't happen. And I left. I went across
23 the room, the hall to Michael's office. And I was working on
24 the bulletin.

1 Q You left first?

2 A I left first, yes. I ended it. I wasn't going to
3 engage with this woman screaming at me.

4 Q Did she frantically run away from you?

5 A No. I don't know. They went out back. And then
6 they came in - what she didn't say was, they came back in about
7 ten minutes later. And I paid them.

8 Q For the month?

9 A Yes.

10 Q What did you do next?

11 A I met with Fred Streed, who was there with his wife
12 Martha, who was going to be a witness today. We bought him a
13 plane ticket to fly here, but he couldn't make it.

14 Q Did you go home after that?

15 A I had dinner with them at the gatehouse and then
16 drove home. But I'd been working with Fred for a couple of
17 days. We fixed the water heater. We fixed the tractor that
18 had been sitting in the woods for 13 years, got it running.
19 Still running. He was very helpful. Fred stayed there for 11
20 years. He was president of the board of directors. He was
21 Dr. Pierce's executor. I mean, he's a very reliable fellow.
22 And his affidavit couldn't be admitted 'cause you can't
23 cross-examine a piece of paper.

24 Q In the days that followed the 30th of September of

1 2015, what do you recall in the days that followed of your
2 relationship with Ms. Decourcy?

3 A I don't believe we talked after that. I don't
4 believe we had one word. She had to go. Now when I was paying
5 her, I said, don't you have somewhere else you can go. She
6 said, I live with Bob. So what do you do? I went back to
7 Tennessee. And Michael, he is such a timid fellow. He was
8 manipulated by her. Wasn't much - I didn't have any contact
9 with her. We e-mailed her. Lana, my wife, called her daily or
10 every other day to try to -- we had to supply discovery, a lot
11 of documents for this lawsuit we were defending,
12 two-million-dollar lawsuit. And some of the documents were
13 there.

14 Q Did she cooperate with that effort?

15 A I can't really --

16 Q She being Ms. Decourcy.

17 A Whatever we requested, if she had it, she could
18 provide it. If she didn't, she couldn't. But I didn't have
19 any contact.

20 I did this termination of contract document with my
21 lawyer friend, Tim Calomeres. And we mailed it - we mailed it
22 to her on the 25th or something like that and e-mailed it
23 before that. No response. We sent it certified mail. And she
24 signed for it. And it had two money orders in it that she

1 cashed, which could be considered acceptance of the contract.
2 As a matter of fact, Trooper Brock said that it was
3 acceptance --

4 Q That's okay.

5 A Okay.

6 Q I'm going to show you what I'll have the court
7 reporter to preliminarily mark as Exhibit 6.

8 DEFENDANT'S EXHIBIT NO. 6 MARKED FOR IDENTIFICATION
9 BY MS. FINCH:

10 Q Without going into its contents, sir, if you could,
11 please tell me what that is?

12 A This was attached to the termination contract. It's
13 handwritten by me --

14 Q What is it?

15 A -- dated the 26th of '15. And it's a note by me.
16 I'll read it if you wish.

17 Q No. Just -- it's a note to whom from whom?

18 A It's to Garland, signed by me.

19 Q And you wrote that note?

20 A Yes.

21 Q And that's in the same condition as you last saw it?

22 A It's a copy. But, yeah, that's exactly -- yeah. It
23 is what it is.

24 Q What was the purpose of this?

1 A To try to defuse this ridiculous crisis there. I
2 mean, I was trying to manage the place, but I was living in
3 Tennessee. So I had to have people there who --

4 Q So this is dated, as you said, the 26th of
5 September of 2015?

6 A No.

7 Q Excuse me. The 26th of October 2015?

8 A Right.

9 Q And at that point, did you understand that she had
10 alleged a crime you committed upon her?

11 A No.

12 Q Were you aware of her reporting what her version of
13 the incident between you on the 30th of September?

14 A Not beyond what she told my wife over the phone,
15 which I wasn't privy.

16 Q So this was attached to what was previously admitted
17 as --

18 A Termination of contract.

19 Q -- the termination of contract that was previously
20 admitted?

21 A Yes.

22 Q And so when you heard Ms. Decourcy testify that
23 she's never been terminated from her employment, what is your
24 response to that?

1 A Well, my response, I don't know. She's delusional.
2 I don't know. But, yes, she was being fired. And that was the
3 document that was going to do it. She did not want to be -
4 have anything withheld as an employee. She wanted to be a
5 contractor and she'd get a 1099 at the end of the year and file
6 her our taxes. She was responsible for her own taxes. So
7 that's why it was a contract, termination of a contract. We
8 didn't really have a contract, per se, except verbal. But I
9 was terminating it and I wanted to make it clear in writing
10 that, here's the money, you sign this, and you can be free to
11 go.

12 Q And what did you pay her either as severance or --

13 A I sent two \$500 postal money orders attached to this
14 as well. And she signed for the certified letter. And the
15 next day, she cashed the two money orders. And there were
16 other provisions. As she left, she would get more. And it's
17 all in the contract.

18 Q So by the 31st of October, when the incident
19 happened with moving the property, had Ms. Decourcy received
20 this note and the termination of contract letter?

21 A Yes, through e-mail and postal service.

22 Q And she was informed that she was being - was she
23 informed that she was being asked to leave the property?

24 A Yes. It's in the text.

1 Q On that day, the 31st of October, did you then learn
2 that you were being accused of battery?

3 A Yes.

4 Q And how did you learn that?

5 A We were - I was asked to write a statement of why I
6 was there. And I think she also wrote a statement. I never
7 saw it, but why I shouldn't be there. And then surprise,
8 surprise. Here's another claim by her that I had choked her or
9 strangled her or attempted homicide or something. I think it's
10 in Trooper Brock's investigative report there.

11 Q So you completed a written statement in response to
12 this allegation?

13 A To that, yes. And that's there. And it's more or
14 less what I just said happened.

15 Q I'll show you, sir, what's being preliminarily
16 marked as Exhibit 7.

17 DEFENDANT'S EXHIBIT NO. 7 MARKED FOR IDENTIFICATION
18 BY MS. FINCH:

19 Q And without going into its contents, if you could
20 just tell me what that is.

21 A This is -- question, what happened, in Brock's
22 hand --

23 Q Without going into its contents, what is it?

24 A With an answer that he was --

1 Q Sorry. Sorry. What is that that you're looking at?

2 A It's my statement, but it's in his hand. And I
3 signed it.

4 Q Okay.

5 A But I didn't write it. But I agreed - I agreed to
6 it.

7 Q So do you agree that this accurately reflects what
8 your statement was that day?

9 A Yeah. Yeah. It's exactly what I said.

10 Q And that's why you signed it. Right?

11 A Yeah. The three of us were in the room. I think
12 her statement said that Michael was out in the hall. But, yes,
13 this is exactly what happened. And it was a little over a
14 month later.

15 Q Did Ms. Decourcy try to leave the room several times
16 while the confrontation --

17 A No. No. No.

18 Q -- confrontation or conversation was taking place?

19 A No. I wish she had.

20 Q Was there a meeting of the board of directors of the
21 National Alliance or any of its affiliated organizations either
22 on October 1st of 2015 or August 1st of 2015?

23 A Well, she claims there was.

24 Q Was there?

1 A No. As the chairman and president and treasurer and
2 my other - director, secretary, none of us were notified of
3 this meeting. There were no minutes to the meeting. This came
4 out in the magistrate court.

5 Q Would you have known if there was a meeting?

6 A No. I wasn't notified. I mean, she thinks she is
7 the National Alliance. She's delusional.

8 Q Did you behave erratically, irrationally, and
9 aggressively that morning?

10 A I don't think so. I was trying to have a
11 conversation with Michael, and I couldn't conduct the
12 conversation.

13 Q Did you yell at her to come over and make your
14 coffee?

15 A I don't think so. I yelled at her, to Bob's house.
16 To come over and make the coffee, no.

17 Q Did you yell at her because there wasn't any cream -
18 creamer?

19 A I may have. I like cream in my coffee. But I don't
20 yell for it. Just, where's the creamer?

21 Q Did you demand that she freeze and stay in the room
22 instead of leaving?

23 A Negative. No.

24 Q Did you tell her, you know too much?

1 A She says I did.

2 Q Did you tell her you know too much?

3 A Never.

4 Q Did you hold her against a filing cabinet or
5 bookcases and cause other injuries?

6 A I didn't hold her against anything. I touched her
7 chin.

8 Q Did you get in hand-to-hand combat with Michael
9 Oljaca?

10 A No.

11 Q Did you raise your hand to her -- you described that
12 you raised your hand when she started to come at you, pointing.
13 Did you do it in such a way that it would've caused the
14 injuries depicted on her photograph?

15 A No. I didn't raise my hand. I just, stop. Across
16 a desk.

17 Q For what period of time did she disappear after you
18 left the room?

19 A She and Michael walked out back. And I went in and
20 was preparing to leave. I was going to pay them. They came
21 back in. I paid them. And I left soon after.

22 Q She had testified that she was supposed to start to
23 operate Vanguard Books. Was that true?

24 A No.

1 Q Why would she think she was supposed to start to
2 operate Vanguard Books?

3 A I can't explain why she would think anything.

4 Q Was that something she had requested?

5 A Well, she just thought we were able to do it. We
6 weren't.

7 Q Weren't able to operate --

8 A No. The book operation was dead. I mean, it was
9 all right before the Internet. But once the Internet came
10 along, National Vanguard Books could not compete with Amazon,
11 when people can buy books for a penny. And she didn't have the
12 wherewithal to run anything. So we do have the book operation
13 now in Tennessee. It's doing okay.

14 MS. FINCH: I have no further questions.

15 THE COURT: Cross?

16 MR. VIA: Yes, ma'am.

17 CROSS-EXAMINATION

18 BY MR. VIA:

19 Q Mr. Williams, you have described Ms. Decourcy, just
20 here today, as running her mouth. Is that right?

21 A Yes.

22 Q Delusional?

23 A Delusional, yes.

24 Q Without wherewithal to run anything?

1 A Well, yes, except her mouth.

2 Q You described her as manipulative?

3 A Yes.

4 Q You described being impatient with her and even -
5 you said you may have yelled at her about the absence of cream
6 for your coffee. Is that correct?

7 A Well, I don't know what happened three years ago,
8 sir. But --

9 Q Well, I'm just saying what you said five minutes
10 ago.

11 A Okay. Well, I may have said, where is the cream?
12 Where are the coffee filters? Where's the sugar? I don't
13 know. But I like to have a little coffee in the morning.

14 Q And it was, you felt like, her responsibility to
15 make sure that that was --

16 A Not at all. I can make my own coffee. Where's the
17 cream?

18 Q Now the way you have described her today, some of
19 the manners in which you have described her here today, I want
20 to ask you. Is that how you felt about her prior to
21 September 30th of 2015?

22 A It was heading that way.

23 Q She manipulative then?

24 A She's not manipulating me.

1 Q She wasn't manipulating you?

2 A No. No.

3 Q You said she manipulated Mr. Oljaca. Is that
4 correct?

5 A That is correct.

6 Q That she ran her mouth to you, didn't she?

7 A She did. She ran her mouth to everyone.

8 Q You described - you said this actually twice, that
9 you told her to shut up?

10 A At least.

11 Q Is that typically how you spoke with her?

12 A Well, it was that morning in that room at that time.

13 Q Was it before that?

14 A I don't think so. I might've. I don't think so.
15 But she talks over you, and you can't get a word in.

16 Q Okay. So she was your employee at this time. Is
17 that right?

18 A Pretty much, yeah.

19 Q Were there other employees that you told to shut up,
20 especially in front of other employees?

21 A When?

22 Q I'm asking you if you ever did it before. You did
23 it twice to her apparently. I'm asking you if you ever did it
24 to anybody else.

1 A Yes.

2 Q Told them to shut up?

3 A I've told people to shut up all my life. Have you?

4 I mean . . .

5 Q Now there was a desk between you and her?

6 A Yes.

7 Q You felt physically threatened with that desk
8 between you?

9 A No.

10 Q You think she was going to hurt you?

11 A Not until she jumped up and got in my face.

12 Q How'd she get in your face with that desk between
13 you?

14 A With her finger.

15 Q Okay. Did you feel physically threatened by that?

16 A I'm not afraid of her. But I was being advanced on
17 by this screaming lunatic. And I was trying to talk to my
18 employee, my other employee. I told her to shut up. Actually,
19 I probably cussed a little bit in there, but no need to say
20 that here.

21 Q Well, you can say what you said. What'd you tell
22 her?

23 A Shut the fuck up.

24 Q Okay. So that's the circumstance of this incident.

1 That's the kind of language that was being used. Is that
2 right.

3 A That's probably what I said.

4 Q Yeah. Now were you afraid she was going to hurt you
5 coming across that desk?

6 A No, not afraid.

7 Q How come you told the state trooper that you were
8 acting in self-defense? Defending what?

9 A I'll tell you what. If you'll sit there, I'll
10 pretend like I'm her and I'll come at you.

11 Q I'm asking the question, sir. And I asked you why
12 you told the trooper that you did what you did in self-defense,
13 and you're sitting here today saying you felt neither
14 threatened nor afraid she was going to hurt you?

15 A I never said that.

16 Q You didn't say what?

17 A I didn't say I felt like she was going to hurt me.

18 Q I know. You said you didn't think she was going to.
19 I agree with you. That's what you just said here. What I'm
20 asking is, why is it that you told the state police that you
21 were acting in self-defense?

22 A She came at me first. I didn't go at her. She was
23 very provocative.

24 Q She's a lunatic?

1 A Well, you say that. I didn't.

2 Q No. You just said it two minutes ago. Is she a
3 lunatic?

4 A I didn't say that.

5 Q Yeah, you did. You said she came across screaming
6 at you like a lunatic.

7 A Oh. Like a lunatic. Yeah.

8 Q Okay. Now she was not terminated in any way,
9 manner, shape, or form prior to September 30th. Is that
10 correct?

11 A That's correct.

12 Q And the effort to terminate her, whether it was
13 employee, independent contractor, whatever it was, you sent to
14 her what's been marked as Defendant's Exhibit 3, this
15 termination of contract?

16 A That's right.

17 Q I know you've seen it, but I'll hand it to you there
18 again, along with that handwritten note that you referenced a
19 moment. Is that correct?

20 A Yes.

21 Q Now that termination of contract, as it's titled
22 there, you prepared that or at least prepared it with the
23 assistance of someone?

24 A Yes.

1 Q But this was all after the fact. Right? It's
2 October 2015?

3 A Yes.

4 Q So this incident we're here about today had already
5 occurred?

6 A A month earlier.

7 Q In fact, you sought to terminate her soon after this
8 incident. Is that right?

9 A Well, I asked her, don't you have somewhere else you
10 can go live. I didn't say, you're fired.

11 Q But in terms of the chronology, the effort to
12 terminate her and to get her off that property occurred just
13 within weeks --

14 A Yes.

15 Q -- of this incident?

16 A Right.

17 Q Not before, but after this incident?

18 A A lot happened between the incident and the
19 termination. Her e-mails to our members, trying to say I'm
20 crazy, I need to be removed. She thinks she's the corporation.
21 She said today she was an officer. She's not an officer in
22 anything.

23 Q You began to become - leading up to September 30th
24 and especially on September 30th of 2015, you had become

1 impatient with her. Is that correct?

2 A Well --

3 Q She was getting too big for her britches, wasn't
4 she, within the corporation? Is that how you felt about her?

5 A If you want to describe it like that, yes.

6 Q But despite that, it was only after the altercation
7 that we have been here about today that you sought to formally
8 terminate her from the organization. Is that correct?

9 A Well, it started soon after she wrote these long
10 e-mails to my Alliance members on October 5th, on October 7th.
11 They were getting back to me, saying, what is going on here.

12 Q Did you also know she had tried to engage the law
13 enforcement with regard to this incident?

14 A I did not, no.

15 Q You didn't know that at that time?

16 A No.

17 Q Now this agreement to terminate or -- what's the
18 title of that again?

19 A Termination of contract.

20 Q That termination of contract, let's talk about that
21 a little bit because you indicate that that was notice to her,
22 you're fired, essentially?

23 A Yeah. Well, you don't fire a contractor. You just
24 end the contract.

1 Q Okay. Fair enough. But you also have the authority
2 to do that anytime you wanted. Right?

3 A I had to have somebody there.

4 Q No. What I mean is --

5 A It's a very hostile situation. My neighbor, Bob,
6 and his roommate and tenant, whatever, they were very hostile
7 to the National Alliance. And they were working with the group
8 that had sued us for two million dollars.

9 Q Okay. I'm not debating whether you had reason to
10 fire her. My question is, the decision to terminate her as a
11 contractor was yours to make. Right?

12 A Yes.

13 Q Why is it then that you required her acknowledgment
14 of that and her signing off as agreeing to it?

15 A Well, it's an agreement between the two of us.

16 Q So it required both parties to agree to the
17 substance of the document?

18 A Well, she cashed the money orders.

19 Q Maybe. My question is --

20 A Maybe? It's definitely. She cashed them.

21 Q Well, but she never signed any agreement terminating
22 her. Right?

23 A Right. And she never got any more money.

24 Q How do you know, by the way, that she cashed those

1 money orders?

2 A Because they're traceable.

3 Q You traced to them?

4 A Yes. Just like I could tell she signed for the
5 certified letter.

6 Q Now you were asked just a moment ago whether at the
7 time of the attempt to terminate her, whether you knew about
8 whether any criminal allegations had been made. And you
9 indicated, no, not formally at least, but there was some
10 information maybe that your wife had learned, but you didn't
11 know any formal criminal allegation had been made. Is that
12 correct?

13 A None had been made.

14 Q Okay.

15 A I was not notified of any.

16 Q However, you know what happened on September 30th,
17 right, you were there?

18 A Yes.

19 Q So whether any formal allegation had been made, this
20 termination of her a few weeks later was done with you having
21 full knowledge of the facts and circumstances of
22 September 30th, 2015?

23 A Well, I know my version. I don't recognize her
24 version or her boyfriend, Mr. Oljaca.

1 Q Let's talk about Mr. Oljaca there for a moment.

2 A Okay.

3 Q You said that she manipulated him. Is that right?

4 A Yes.

5 Q When you made that statement a moment ago on direct
6 examination, was that a general reference to him being
7 manipulated or were you specifically referring to being
8 manipulated as to the incident at issue here?

9 A Generally.

10 Q Generally speaking?

11 A Like Mr. DeMarais said, he's a New York City boy.
12 He'd never put gasoline in a vehicle. He'd never used a hose.
13 He'd never done a lot of things you got to know how to do in
14 West Virginia.

15 Q All right. Your purpose of September 30th was to
16 counsel he and Ms. Decourcy. Is that correct? That's what you
17 told the State Police, that you were going to counsel them?

18 A Well, you use that word, counsel.

19 Q Well, you used it. Do you need to see your
20 statement?

21 A No. I mean, counsel, yeah. Counsel them.

22 Q What do you mean by that? What do you mean, counsel
23 them?

24 A Talk.

1 Q About work?

2 A About work. About why he didn't have a key to the
3 office when I had ordered that him - her to let him into the
4 office. About why she was answering his e-mails. I recognize
5 her grammar and syntax and misspellings. I wanted to put an
6 end to it. I'm dealing with him, not her. Like I said, I
7 couldn't deal with her. I didn't talk to her the whole month
8 of October.

9 Q Well, that was after this incident?

10 A That's right. Exactly.

11 Q Okay. Now you've communicated quite a number of
12 times with Mr. Oljaca after this incident. Is that correct?

13 A Well, he was still employed, yeah.

14 Q But he was in New York?

15 A Oh, okay. Well, is this when this alleged witness
16 tampering happened?

17 Q I'm just asking you if you had communication --

18 A Well, he contacted me. And they call that witness
19 tampering. I don't generally - when I tamper with witnesses, I
20 don't wait until they contact me first, you know. It was just
21 silly.

22 Q All right. Well, Mr. Oljaca did, in fact, testify
23 in magistrate court proceedings. Is that correct?

24 A Yes.

1 Q And you acknowledge that he was there at this
2 incident on September 30th, 2015. Is that correct?

3 A Of course.

4 Q And, in fact, when the incident was over, he left
5 the building with Ms. Decourcy. Is that accurate?

6 A That's correct. But he was in the office with me
7 and her. Not out in the hall, as she alleges and as he
8 alleges. That didn't happen that way.

9 Q All right. Now you did hear Ms. Decourcy testify,
10 though, quite clearly that, as the incident evolved, he did
11 come into the room and, in fact --

12 A He was in the room.

13 Q -- got involved in --

14 A He was.

15 Q Well, I'm saying, she acknowledged that he was in
16 there for at least part of the time?

17 A I was talking to him. He wasn't out in the hall,
18 listening and waiting and watching and worrying.

19 Q Well, and you said earlier that she manipulates him?

20 A Yes.

21 Q Well, his previous statements in this matter
22 corroborate her version of events. Is that right?

23 A I don't know.

24 Q What do you mean you don't know? You were there.

1 A I say he was lying.

2 Q I know. You have a right to believe whether he was
3 telling the truth. But my question is --

4 A Well, he corroborated her lies. Let's put it like
5 that.

6 Q And you felt like he was not being honest?

7 A At least.

8 Q Did you ever try to get him to change that
9 testimony?

10 A No.

11 MR. VIA: May I approach?

12 THE COURT: Yes.

13 MR. VIA: May I have this marked as State's 9.

14 STATE'S EXHIBIT NO. 9 MARKED FOR IDENTIFICATION

15 BY MR. VIA:

16 Q Mr. Williams, I want to hand you what has been
17 marked as State's Exhibit 9 and ask you to take a look at that,
18 please.

19 A This is from me to him a year later.

20 Q Are you familiar with the document?

21 A I mean, I know we communicated. But I'd have to
22 read it. This looks like it's from me to him on September 4th,
23 2016, at 8:53 p.m. Thank you for writing, Michael --

24 Q I'm not suggesting you need to read it right now. I

1 want to establish your familiarity with the exhibit we're about
2 to use.

3 A I wanted to establish that he wrote to me.

4 Q Okay. Is that, in fact, an e-mail or e-mail
5 exchange between you and Mr. Oljaca of September 4th and
6 September 6th, 2016, respectfully?

7 A Yes. Do you have the e-mail from him to me first?

8 Q I've got it in front of me, Mr. Williams.

9 A Okay. You'll have to do it in order. This is out
10 of context.

11 Q Well, you can explain in a moment. Let me ask a
12 question about it first. Okay? This was done - this
13 communication took place between the two of you, as you
14 indicated just a moment ago, almost a year after the alleged
15 event. Is that correct?

16 A Yes.

17 Q But importantly, it was several months after you had
18 been convicted of this crime. Is that correct? That was March
19 of 2016?

20 A Yes.

21 Q And this is September of 2016?

22 A Right.

23 Q All right. So you're communicating with a witness
24 who had testified adversely to you in the magistrate court --

1 A Right.

2 Q -- in a case in which you have been convicted?

3 A That's right.

4 Q And I want to refer your attention please to your
5 e-mail to -- you'll need to look at it there, sir, so you can
6 follow with me. I want to refer your attention to this e-mail
7 down near the bottom of the paragraph - this is from you to
8 him.

9 A Yes.

10 Q Which begins, you should also. With me?

11 A You should also include in this letter. Yes.

12 Q Right. Now I'm going to read this. And I want to
13 ask if I have accurately stated your words. To Mr. Oljaca, you
14 should also include in this letter that you will not testify
15 against me in the assault case. That your memory is not clear
16 as to what happened during the altercation between me and
17 Garland on 9/30/15. And that Garland coached you, as she did
18 John, on how to testify for the prosecution.

19 First sentence, next paragraph. Do this Michael, and
20 I'll see that you are absolved from any and all liability in
21 the feud between the National Alliance and Garland, Bob, and
22 John, et al.?

23 A Right.

24 Q Now I am asking you again, did you attempt between

1 the magistrate court trial and this trial to secure a change in
2 testimony of Michael Oljaca?

3 A Can we see the e-mail that he sent to me that I
4 replied to here?

5 Q Is it not on there?

6 A No.

7 Q I have another copy. I'll give you an
8 opportunity -- I think that's what you're referring to. Take
9 your time there and look at that if you need to.

10 A This is to Kris Faerber.

11 Q No. Part one of that.

12 A Huh? This is to Kris Faerber, the lawyer that Bob
13 hired to sue me, so Michael could sue me. And I'd be glad to
14 read --

15 Q I'm sorry. That is the e-mail.

16 A Please read the first sentence. He made a grave
17 error --

18 MR. VIA: Do you have the e-mail he's referring to? I
19 don't have it.

20 MS. FINCH: The copy that you showed me earlier.

21 BY MR. VIA:

22 Q Is that the one you're talking about?

23 A I've never seen that before. I told him he needs to
24 talk to his lawyer. Laura was on vacation. This was Labor

1 Day, I believe. And she wasn't available. I said, you need to
2 talk to your lawyer.

3 Q It's on the next page. Take your time and look at
4 it. It's on the next page.

5 A Will - this is Michael Oljaca. Okay. The year 2016
6 has certainly been the worst year of my life.

7 Q Sir? Sir, we're not asking you to read it. I just
8 want you to familiarize yourself with it and see if that is, in
9 fact, what you were referring to a moment ago.

10 A The last sentence, I want to drop this lawsuit. I
11 don't have the stamina or the patience to continue it. Bob and
12 Gail --

13 THE COURT: Sir, he's not asking -- you need to read the
14 document and then answer the question.

15 THE WITNESS: All right. The question again, it's all
16 right there. If Bob and Gail found out I'm communicating with
17 you, I don't know what will happen to me.

18 BY MR. VIA:

19 Q All right. So Mr. Oljaca communicates with you.
20 And he's concerned -- there's a civil lawsuit going on among
21 all of you at this time. Is that right?

22 A Well, she got him to sue me. He hired Kris Faerber.
23 And Kris Faerber sued the National Alliance, Cosmotheist
24 Community Church, National Vanguard Books, and me.

1 Q Okay. And you're communicating about that.

2 Mr. Oljaca is expressing reservations, concerned about the
3 lawsuit. I understand --

4 A I had no communications with him until I got that
5 e-mail from him?

6 Q Then what did you send back to him? Is that the
7 e-mail --

8 A Yes.

9 Q -- that's been marked as State's Exhibit No. 9?

10 A Yes.

11 Q And my question is, why did you ask him to change
12 his testimony?

13 A Well, she was on vacation. He was communicating
14 with me. I want to drop the lawsuit. I said, oh, good, okay.
15 Let's do that.

16 Q Fine. Why did you ask him to change his testimony
17 in this case?

18 A I was responding to his e-mail. And if you'd read
19 his e-mail, you'd see --

20 Q You have it right there. And I'm not questioning
21 you that it was a responsive e-mail. My question goes to the
22 substance of the response. You heard what I read from that
23 e-mail just a moment ago, did you not?

24 A I did.

1 Q You were asking him to, all the sudden, not to be
2 able to remember what happened. Correct?

3 A No. I'm not asking him to not remember what
4 happened. I'm asking him to tell the truth.

5 Q You asked him to tell them that he could not
6 remember clearly the events. Correct?

7 A Because he wasn't clearly remembering the events.

8 Q Why do you say that, because you disagreed with his
9 testimony?

10 A I certainly did.

11 Q All right. I'll take that exhibit back.

12 A They were trying to remove me as chairman.

13 Q Can you remove your glasses for a minute? Thank
14 you, sir.

15 A Yes, sir.

16 Q All right. Just to be clear here, and then I'm
17 going to move on.

18 A Okay.

19 Q This e-mail, which the Court can observe for itself
20 later in deliberation, but this e-mail is a response from you
21 to an e-mail from him. We've established that. In this, you
22 specifically instruct him or you suggest to him - the terms
23 are, you should also. And you tell him to include in this
24 letter that he will not testify against you.

1 Well, if you were telling him to simply come in and tell
2 the truth, why would you not want him to testify for you or,
3 excuse me, testify against you --

4 A Is that a question?

5 Q It is a question.

6 A I was responding to his e-mails. He was wanting to
7 drop the case. I was telling him how he could do it. Laura
8 was not available. It was Labor Day, I believe.

9 Q The civil suit, he was wanting to drop?

10 A Yes.

11 Q I get that. Okay? That's fine. And whatever
12 happened in that, happened. I'm asking you, why did you go
13 from that to specifically suggesting to him that he inform the
14 Court - because you instruct him to send this letter to the
15 Circuit Court, that he instruct the Court that he will not
16 testify against you in the assault case? You also tell him to
17 say that his memory is not clear as to what happened during the
18 altercation. Correct?

19 A Well, he should. Yeah.

20 Q Now, you have concluded this in the next sentence by
21 saying, do this and I will see that you are absolved from any
22 and all liability.

23 So in exchange for changing his testimony or claiming to
24 no longer have recollectable testimony that you would then

1 reward him by making sure he's absolved from other civil
2 liability not necessarily associated with this case. Is that
3 correct?

4 A Well, I would drop my counterclaim, which is what we
5 ended up doing.

6 Q So you would drop your counterclaim against him if
7 he agreed - if he agreed to change or otherwise discount his
8 testimony in this case?

9 A Well, it wasn't very artful. I didn't have my
10 attorney available. And when I finally got with her -- I'm
11 represented. I said, you should talk to Faerber and deal with
12 our attorneys. You're taking that a little bit - that one
13 highlighted sentence out of context, I'd say.

14 Q Well, the full e-mail is there. The Court can
15 assess its context. You go on to tell him also there or
16 suggest to him that he leave and stay away from Pocahontas
17 County. Is that right?

18 A I don't know what I said three years ago in an
19 e-mail.

20 Q Look at the last sentence there, and we'll see if
21 that's what you said.

22 A The last sentence.

23 Q Last sentence on that page, anyway.

24 A Our West Virginia attorney, Laura Finch, will help

1 you perfect your letter and deal with Faerber for you, then
2 present it to the Pocahontas County Circuit Court. You should
3 stay away from Pocahontas County, West Virginia, regain your
4 health, relieve unnecessary stress on your family, and go about
5 rebuilding your life.

6 Q Where is he at today? Do you know?

7 A What?

8 Q Where is he at today? Do you know?

9 A Michael Oljaca?

10 Q Yes.

11 A I suppose he's in New York. He was on the witness
12 list. I was looking forward to seeing Michael again.

13 Q Did you think we were going to have him down here
14 from New York?

15 A Well, he's on the witness list. You said Fred could
16 testify telephonically only if Michael were allowed to testify
17 telephonically. Right?

18 Q That was a pretrial matter between the attorneys.
19 So, we'll just leave your statement where it's at.

20 In any event, had he been here, were you expecting him to
21 follow through with your instructions to him in that e-mail?

22 A I would expect him to tell the truth. He wanted out
23 of the nightmare. He lost 40 pounds.

24 Q What would the truth be for someone that you tell to

1 say they can no longer remember what happened? How do --

2 A I'm telling it to someone who's sued me.

3 Q Can I finish my question, please? You're telling
4 the man to all the sudden not remember what happened. In the
5 same breath, you're saying, well, I just want him to tell the
6 truth. How's that going to work?

7 A I'm not telling him to not remember. I'm telling
8 him to tell the truth.

9 Q Is there somewhere in that e-mail where you extended
10 to him the suggestion just tell the truth?

11 A I suppose so. Read it.

12 Q All right. It's there. It can be read at the
13 appropriate time.

14 A Okay. Well . . .

15 Q Just quickly ask you to observe, if you would,
16 State's Nos. 1 through 8, which are photographs in the case.
17 Just tell me when you're ready to answer a question or two
18 about that.

19 A I'm ready.

20 Q You're ready now?

21 A Yes, sir.

22 Q You see the injuries. They were described earlier
23 today by Ms. Decourcy and then further descriptions from
24 others. But my question to you is, you say you only laid a

1 hand on her to the point of putting your hand up which
2 contacted under her chin and that was the extent of it?

3 A I didn't lay a hand on her. I put my hands out,
4 stiff arm, stop.

5 Q Now you would agree with me, wouldn't you, that what
6 you just described would not have caused those injuries?

7 A That's right.

8 Q Did anyone else lay any hands on her at this time
9 that would've caused those injuries?

10 A I don't know. I don't know if that little pinch
11 mark is self-inflicted or if maybe she got Michael to pinch
12 her. I don't know. But that's not at - doesn't look to me
13 like somebody's choking her, lifting her up off the floor and
14 slamming her in the corner. She described it like that.

15 Q There's only three of you there, right, you, Oljaca,
16 and Decourcy?

17 A That's right.

18 Q Okay. And your suggestion here today is that you
19 didn't cause that?

20 A That's right.

21 Q So if that's to be accepted and we acknowledge you
22 didn't cause them, then that only leaves Oljaca and Decourcy,
23 the only other two people there left. Right?

24 A Well, Bob could've done it when she went back home.

1 I don't know who pinched her neck. But it's not a bruise. I
2 didn't do it. I didn't touch her neck.

3 Q So we're down to either Mr. DeMarais or it was
4 self-inflicted by Ms. Decourcy. You don't believe Mr. Oljaca
5 did it. Do you?

6 A I didn't do it. And they're not date-stamped.
7 They're not - I mean, I don't know when these were taken. They
8 were turned in on November 2nd, I think, for an incident that
9 happened on September 30th. Didn't go to a doctor. Didn't go
10 to the police.

11 THE COURT: Mr. Williams, you're making statements
12 without being asked a question. You just need to respond to
13 questions.

14 BY MR. VIA:

15 Q Ms. Decourcy had become a threat to you and the
16 National Alliance. Is that correct?

17 A She had become a threat?

18 Q Boat-rocker. Become a threat to you. Challenging
19 you?

20 A I never used that term.

21 Q Well, she began to challenge your authority?

22 A Oh, yes.

23 Q And that was unacceptable?

24 A That was unacceptable.

1 Q It would be unacceptable for anyone in the
2 organizational group at that time to challenge your authority.
3 Is that correct?

4 A Well, I'm at the top.

5 Q We've all heard that testimony. My question is, it
6 would've been unacceptable for anyone in the organizational
7 structure at that time to challenge your authority --

8 A No.

9 Q -- is that correct?

10 A No. I'm a reasonable person. I listen to
11 suggestions. If I've done something wrong, I want to know
12 about it.

13 Q Well, that rule didn't apply to Ms. Decourcy, did
14 it?

15 A No.

16 Q Why not?

17 A You can't talk to the woman. I mean, I think you
18 saw today the way she was unresponsive to your questions, like
19 I just did. I shouldn't have elaborated.

20 MR. VIA: That's all I have, Judge. Thank you. I would,
21 if I didn't before - I need to move for No. 9 into evidence.

22 THE COURT: Any objection?

23 MS. FINCH: No, Your Honor.

24 THE COURT: It will be admitted.

1 STATE'S EXHIBIT NO. 9 ADMITTED

2 REDIRECT EXAMINATION

3 BY MS. FINCH:

4 Q Mr. Williams, I'm going to show you what's been
5 marked - being marked as Defendant's Exhibit 8.

6 DEFENDANT'S EXHIBIT NO. 8 MARKED FOR IDENTIFICATION

7 BY MS. FINCH:

8 Q And it's the second page of a document. And I would
9 ask you to look at that document, what's in the middle of that
10 document. And tell us what it is without - without going into
11 its contents.

12 A Now this is the middle of -- where are you talking
13 about? This?

14 Q Yes, sir.

15 A September 4th, 2016, Michael Oljaca wrote,
16 confidential, all caps. I ask you to please --

17 Q Without going into its contents, what is it?

18 A I don't know. It's an e-mail from him. And I don't
19 see who it's to.

20 Q Take as much time as you need.

21 A I'll get into the content if you wish, but it's
22 a --

23 Q Well, tell me what it is first, please.

24 A It looks like an e-mail, but there's no to in the

1 header. Let's see. This is something from him to his
2 attorney, Kris Faerber, and then my response to Michael on the
3 4th.

4 Q And so what is below that that's on page two?

5 A Well, it's from him, but I don't see who it's to.

6 Q Was your e-mail that Mr. Via had discussed at some
7 length responsive to an e-mail?

8 A Was mine?

9 Q Yes.

10 A Yes. He wrote to me first.

11 Q And what is that that you're looking at there?

12 A Will, this is Michael Oljaca, it starts. So it's to
13 me, but I'm just not in the header. And then at the end, if
14 Bob and Gail find out I've written you, there's no telling what
15 they want to do to me. I shudder when I think about that. I
16 want to drop the lawsuit. I do not have the stamina or the --

17 Q Without going into its contents, is that the e-mail
18 that Michael Oljaca sent you that --

19 A It appears to be, yes. It was dated the 4th. And
20 there's one from his brother, Daniel, on the 3rd to me, which,
21 you know, that's a long time ago. But I'd have to read it. I
22 think Daniel's dead.

23 Q Let me finish my question.

24 A Okay.

1 Q Is that that you're looking at there on the center
2 of the second page of that document - is that the e-mail that
3 Michael Oljaca sent to you which precipitated your e-mail that
4 you discussed with Mr. Via?

5 A Yes, but only by the salutation and the signing at
6 the end.

7 Q Do you recognize the contents of the e-mail?

8 A I do, yes.

9 Q Is that the e-mail that you received from Michael
10 Oljaca --

11 A Yes.

12 Q -- that you responded to --

13 A Yes. Yes, it appears to be.

14 Q Please let me ask the whole question. Okay? What
15 did Garland Decourcy say to you before she jumped up and
16 started shaking her finger on the 30th of September?

17 A Well, it was after she jumped up that she started
18 calling me psycho, and I don't have any friends, and nobody
19 likes me and all this. But before that, she was just running
20 her mouth, talking over me, talking over Michael, not letting
21 him answer my questions, and just being a nuisance.

22 Q Why did you decide to terminate her contract?

23 A The situation was just untenable.

24 Q What was the situation?

1 A Where she thinks she owns the place. She thinks
2 she's on the board. And she thinks she's an officer. She
3 thinks all of these -- she's delusional.

4 Q Did you commit a battery on Garland Decourcy?

5 A No.

6 Q So, therefore, you didn't decide to fire her because
7 you committed a battery on her?

8 A No. It was coming. Couldn't communicate with her.
9 My wife was communicating with her. I couldn't.

10 MS. FINCH: I don't have any other questions.

11 THE COURT: No more questions?

12 MS. FINCH: No.

13 THE COURT: Any additional questions, Mr. Via?

14 MR. VIA: Just one or two, Judge, if I may.

15 RE CROSS-EXAMINATION

16 BY MR. VIA:

17 Q Sir, would you pick up what's marked as Defendant's
18 Exhibit 8, I think? And if you need to read it, read it. Not
19 out loud. But if you need to read it, do so. I want to ask
20 you this. You stated that your e-mail to Mr. Oljaca, wherein
21 you make suggestions to him about his testimony in this case,
22 was responsive to the e-mail you just identified on Defendant's
23 Exhibit 8. Is that correct?

24 A Yes.

1 Q Can you show me any word or sentence in Mr. Oljaca's
2 e-mail to you where any reference is made to this case?

3 A I'd have to read the whole thing.

4 Q You may do so.

5 A Now, you know, he charged me with battery also.

6 Q May be. But we're talking about this case. And my
7 question is, is there any word, sentence, or phrase, whatever,
8 in his e-mail to you that in any way addresses this case?

9 A I don't - I don't think so.

10 Q All right. Thank you.

11 MR. VIA: That's all I have.

12 THE WITNESS: He's talking about the civil case.

13 THE COURT: Ms. Finch?

14 MS. FINCH: Just one question.

15 FURTHER REDIRECT EXAMINATION

16 BY MS. FINCH:

17 Q Was that smart, Will?

18 A Was it what?

19 Q Was it smart to send that e-mail?

20 A Me to him?

21 Q Yeah.

22 A In retrospect, no. But you were out of town. I
23 would've called you and said, look, you got to deal with the
24 lawyers. I answered -- he wrote to me. I answered him. A

1 special hearing was held with extra security because this
2 witness tampering was going to come --

3 Q And you just - you didn't hold any barbs, did you,
4 when you responded?

5 A I was just being honest with Michael. You want out?
6 Here, I'll show you how to get out.

7 Q Did you intend to change his testimony by that
8 letter?

9 A I wanted him to tell the truth.

10 Q Are you telling the truth here today?

11 A I'm telling the absolute truth.

12 Q Should this Judge believe you, notwithstanding the
13 fact that Mr. Via has pointed to this instance of attempting to
14 get Michael Oljaca to change his story?

15 A I hope so, but it's up to her.

16 Q When you said that when you tamper with witnesses,
17 you generally don't -- what was it that you said?

18 A Well, I've never really tampered with a witness.
19 But should I tamper with one, I wouldn't wait for the witness
20 to contact me first.

21 Q Were you being serious when you said that?

22 A Not really, no. But it's - it's a joke.

23 Q It's a joke. Right?

24 A Yeah.

1 Q Is it a good joke?

2 A He contacted me first.

3 Q Is it a good joke?

4 A It's a bad joke now, looking back. Made a little
5 sense to me at the time. Should he have contacted me? He has
6 a lawyer.

7 Q Did you see how he might have desired to rile you
8 up?

9 A It didn't rile me up. It made me feel good that he
10 wanted to drop the case. And the way he describes Bob and
11 Gail, that he was fearful of them, I thought that was relevant.

12 Q You thought that was what?

13 A Relevant. He might've been more afraid of them than
14 he was fearful of me. I never threatened Michael at all. I
15 like Michael. I brought him there because he did good work.
16 And he was just out of his element in West Virginia.

17 MS. FINCH: I have nothing else. Thank you.

18 THE COURT: Any follow-up questions?

19 MR. VIA: No, ma'am.

20 THE COURT: Has there been a motion to admit Defendant's
21 6, 7, and 8?

22 MS. FINCH: I don't believe so. If I could so move,
23 please?

24 MR. VIA: I don't object.

1 THE COURT: Defendant's 6, 7, and 8 will be admitted.

2 DEFENDANT'S EXHIBIT NOS. 6, 7, AND 8 ADMITTED

3 THE COURT: You may step down.

4 (defendant stands aside)

5 MS. FINCH: We'll call, at this time, Ms. Svetlana Erlana
6 Williams.

7 THE COURT: You'll need to come forward and be sworn.

8 (witness sworn)

9 DIRECT EXAMINATION

10 BY MS. FINCH:

11 Q Ms. Williams, if you could, please state your name
12 and your address. If you could, tell us your name and your
13 address, please.

14 A My name is Svetlana Williams. Address is [REDACTED]
15 [REDACTED] Mountain City, Tennessee, 37683.

16 Q And Mr. Williams, the defendant here, is your
17 husband. Correct?

18 A Correct.

19 Q And I'll call your attention to September 30th of
20 2015. And were you in the company of your husband as he
21 visited the property in West Virginia?

22 A No. No. I was home in Tennessee.

23 Q What do you remember about that day?

24 A I spoke with Garland that morning. It was about

1 10:00 a.m. I called to catch Will before he leave for home.
2 Garland answers the phone. And I ask her standard questions.
3 How are you? What's up? And she started telling me what's
4 going on. She told me several news. And she was talking about
5 Will, but she didn't say one word that something abnormal just
6 happened.

7 Q So what all was she talking about, if you remember?

8 A She was - I remember very well.

9 THE COURT: Ma'am, if you'll slow your testimony down
10 just a little bit so the court reporter can get it.

11 BY MS. FINCH:

12 Q I'm afraid they don't understand you as well as I
13 do.

14 A Okay. But what should I do? So on September 30th
15 and for several weeks before, Garland had been trying hard to
16 make me influence Will. Garland wanted to be in charge of
17 bookselling business. At that time, our bookselling operations
18 were suspended. And she kind of told me, oh, our organization
19 has financial trouble. But if Will wasn't so slow and
20 stubborn, if he let me with the help of Michael Oljaca to
21 handle these operations, we will bring big money to the
22 organization. This is one thing I remember.

23 Another thing. We talked a lot on that day. Earlier
24 that month, our organization was subpoenaed to provide the

1 plaintiff with a lot of documents. There was an active civil
2 suit in Virginia. So we were subpoenaed. And Garland were
3 explaining me something about the rules of subpoena. And I
4 have confirmation. And I have e-mail I sent Garland in a few
5 days. There's sentences confirming that we were talking about
6 this.

7 What else, we were talking about? She was badmouthing
8 Michael Oljaca, how worthless he is. He sleeps till noon.
9 Then, he walking like zombie. He not capable of doing any
10 work. So but she - she was drugging (phonetic) a lot. She
11 usually badmouths people in that way. And so I remember that
12 morning we also left, and she was drunk. We would - left. I
13 didn't notice see any difference whatsoever in her mood, in her
14 voice compared to our regular conversations.

15 Q And so, ultimately, did she tell you about the
16 heated conversation between her and your husband?

17 A After we spoke -- normally, 20 - 25 minutes. And
18 when we were about to say bye to each other, I ask if Will was
19 nearby. She said no. I ask her to tell Will that he should
20 call me before he leaves. Garland say, I think it's better for
21 me not to speak with Will today. I'm like, why? She said, we
22 have had some argument and consulting. He tried to choke me.
23 Her voice sounded like it was a joke, like there was big smile
24 on her face.

1 I asked what. And she started talking very fast. I
2 said, oh, please, it's too fast for me. Will will tell me
3 soon. I didn't believe Garland, but I was shocked with what I
4 heard. I could hardly wait till Will get home. And he got
5 home between 3:00 p.m. and 4:00 p.m. When he was making his
6 first step - steps into the house, I asked him, did you and
7 Gail -- Garland forbid us to call her Garland at that time. I
8 asked him, did you and Gail have an argument.

9 Q You can stop there because I think what you're about
10 to say is hearsay, unfortunately. But based upon your
11 conversation with Garland, who you are also referring to as
12 Gail. Correct?

13 A Yes.

14 Q Did you understand that -- was she communicating to
15 you that she had been the victim of a violent crime?

16 A I mean, at the very end, very shortly. She would
17 not tell me if I didn't ask her to tell Will he should call me.
18 She would not tell me. We were about to hang up. But when I
19 ask her, please tell him he should call me before he leave, she
20 said, I think it's better for me not to communicate with Will
21 today.

22 Q So did Garland continue to work for Will for the
23 month following that?

24 A About one month. But I can explain. Will, when he

1 told me what happened at site, I don't see how to work with
2 her. I will never be able to speak with her after hearing
3 her - and seeing her insanity. He say she must go. I don't
4 see how to work.

5 But I say, Garland used to be a good worker. It never
6 happened. Maybe she had her days or months. Maybe - she'll
7 probably regret. She'll probably apologize. But we should
8 give her one notification. He said if you want to, you can do,
9 but I am not able to communicate with her. And I wrote her
10 long e-mail that was sent on October 5th.

11 Q And what was the point of your e-mail or the ones
12 that followed? What's the point?

13 A What's the point? Explain to her that employee
14 cannot behave like she was behaving. Telling her employer such
15 word. If you let me, just a few sentences, I can't read. Can
16 I? I have --

17 Q Oh, no, no, no. You can put that away.

18 A Okay.

19 Q I'm going to show what will be preliminarily marked
20 as Defendant's Exhibit No. 9.

21 DEFENDANT'S EXHIBIT NO. 9 MARKED FOR IDENTIFICATION
22 BY MS. FINCH:

23 Q If you could tell me, without going into its
24 contents, what is that.

1 A I did not understand the question.

2 Q What is that? I'm sorry. What is this that I've
3 handed you?

4 A It's my e-mail to Gail, Garland, of October 5th.

5 Q And you wrote that e-mail --

6 A Yes.

7 Q -- to Garland?

8 A Yes.

9 Q And you sent it to her?

10 A Yes.

11 Q And did she ever respond?

12 A No. I told her, please don't bother to respond
13 giving me your side of the story. You know who I'm going to
14 believe, Will, who was never caught in a lie or consideration.
15 And so she never responded to this e-mail. But then we had
16 very hard weeks preparing those documents for the lawsuit. And
17 Garland and Michael was doing this job in West Virginia. Will
18 and I in Tennessee. And I never spoke with Garland after
19 September 30, morning conversation. But we were sending e-mail
20 to each other about work.

21 And I can tell she tried hard to show what a great worker
22 she is and how much we needed. So she was showing her desire
23 to work for the Alliance. But soon, we find out she contacted
24 every member of National Alliance she could. She knew just a

1 few. And she contacted every one of them. And the point of
2 those e-mails and calls was to show that Will is not capable to
3 be a chairman, we must get rid of him.

4 So three of the members forwarded the e-mail to tell us.
5 And the men she called told us in word. And everything was --
6 e-mails were full of the most ridiculous lies. If you let me
7 give you just very short example, I will do this.

8 Q No. That's okay.

9 A Okay.

10 Q How did you understand - when did you come to
11 understand that she would be terminated from employment or her
12 contract?

13 A Because we saw those e-mails she had sent to the
14 members. It was terrible. It was showing her insanity. And,
15 of course, hard to work with such person. And then Will said,
16 so we must send her termination of contract. And we had Kris
17 Larson, a member who she e-mailed. And he was kind of
18 communicating this. And in the end of October, he call us. We
19 both were on the phone. And he told us good news. Like,
20 Garland agree. If you pay her some severance, about three
21 thousand, she will go. And we were so happy. Kris told that
22 she will mail us - as soon as she will get money or termination
23 of contract, she will mail us key to all the buildings in West
24 Virginia.

1 Q So that never happened?

2 A No, no. Because in couple days, two - three days,
3 we spoke with Kris Larson again. And he had another
4 conversation with Garland. And next time, she was in terrible
5 mood. She was yelling, it's not going to work, I will not move
6 for three thousand, I will only leave if he pay me fifty
7 thousand. Yes. Because of this.

8 Q That was information given to you, again, by this
9 other individual?

10 A Yes.

11 Q Is there any contents of this e-mail that
12 corroborate the discussions you had with Garland the morning of
13 September 30th --

14 A Yes.

15 Q -- besides the discussion about the incident?

16 A Just one thing. I can give you. So I'm telling
17 her, you're so sure you know so much. And I tried to prove her
18 wrong. I'm starting reading. Another example, the point you
19 gave me on Wednesday - Wednesday was September 30th. The point
20 you gave me on Wednesday about Virginia rules of serving was
21 BS. The text of September shows it clearly because some other
22 e-mail confirmations.

23 Q So this is one of the matters you just had
24 discussed?

1 A Yes, yes. We talk about those documents, about
2 being subpoenaed.

3 MS. FINCH: I don't have any more questions.

4 THE COURT: Let's break until 3:00.

5 (break in the proceedings)

6 THE COURT: If you'll come forward and take the witness
7 stand, please.

8 CROSS-EXAMINATION

9 BY MR. VIA:

10 Q Ms. Williams, near the end of that phone
11 conversation that you had with Ms. Decourcy on the morning of
12 September 30th, I believe you said that she made the allegation
13 to you about Will having choked her. Is that correct?

14 A She said, we had some argument due to morning
15 consulting. He tried to choke me.

16 Q Okay. So she made that disclosure to you as early
17 as about 10 or 10:30 a.m. on September 30th. Is that correct?

18 A Yes.

19 Q Okay. And the only thing I have is just to confirm
20 a couple of things. You were not present at the location of
21 these events on the day in question. Is that right?

22 A Correct.

23 Q You have no personal knowledge of any of the
24 goings-on at the property on September 30th, 2015. Is that

1 correct?

2 A Correct.

3 Q The only information you are able to impart today is
4 information that you learned from either your husband or from
5 Ms. Decourcy, no other sources. Is that correct?

6 A Correct.

7 MR. VIA: Thank you. That's all I have, Judge.

8 THE COURT: Any redirect?

9 MS. FINCH: Nothing further, Judge.

10 THE COURT: You may step down.

11 (witness stands aside)

12 MS. FINCH: And then lastly, Your Honor, we would call
13 Trooper Damon Brock.

14 (witness sworn)

15 DIRECT EXAMINATION

16 BY MS. FINCH:

17 Q Trooper Brock, thank you for being here today. I
18 understand it's your day off, so I'll try and keep this brief.
19 Could you please state your name and your occupation for us?

20 A Damon Brock. I'm a West Virginia state trooper.

21 Q And your rank, please?

22 A Senior trooper.

23 Q And did you - have you, as of this day, completed
24 formal education to be certified as a law enforcement officer?

1 A Yes, ma'am.

2 Q And where did you undergo that training and
3 education?

4 A At the State Police Academy, Charleston.

5 Q At the time of about October the 31st of 2015, were
6 you similarly qualified as a law enforcement officer in the
7 state of West Virginia?

8 A I was.

9 Q And do you recall being called upon to the property
10 owned by the National Alliance at Mill Point with respect to an
11 alleged larceny?

12 A I was down there multiple times, one of which was a
13 larceny.

14 Q And on that date, what do you recall about the
15 interactions or the statements made by Mr. Williams and
16 Ms. Decourcy respecting their relationship?

17 A The way I remember, I believe Mr. Williams stated
18 that Ms. Decourcy's property was stored in a building that was
19 owned by the National Alliance. And their employment or
20 whatever, Ms. Decourcy was no longer a member or an employee of
21 the National Alliance. So he stated that that voided the
22 contract that allowed her to store the property in the
23 building. So he loaded it up and transported it to a safety
24 locker or a storage locker somewhere.

1 Q Had that already been accomplished at the time you
2 arrived?

3 A I believe they were still loading it when I got
4 there.

5 Q Did you take any action with respect to that
6 larceny?

7 A No, ma'am. I explained to them that it was a civil
8 dispute between the two, therefore I could not take any action.

9 Q Did you also receive a report of a battery while you
10 were at the property down there?

11 A I believe it was the same day.

12 Q Do you recall meeting with Ms. Decourcy and perhaps
13 also with Dr. Bob DeMarais, who is seated here in the
14 courtroom?

15 A I went to, I believe it was, his residence, which
16 was right beside the building that they were arguing over that
17 day.

18 Q Right beside the warehouse?

19 A Yes.

20 Q Where the belongings were?

21 A Right.

22 Q And was this the first time that you and Decourcy
23 had discussed this battery?

24 A I know she had made a complaint with law

1 enforcement. I can't remember if it was me or if it was
2 another officer. Because, like I say, we was there so much
3 there in a short period of time, I just can't remember what all
4 was being argued about.

5 Q Do you recall her coming to the detachment at all to
6 talk about this battery?

7 A She did.

8 Q Was that before or after, if you recall, October the
9 31st, Halloween, of 2015?

10 A I can't remember.

11 Q But you recall having a couple of different
12 conversations with Ms. Decourcy about this?

13 A Right.

14 Q And did you also speak with Mr. Williams about it?

15 A I did.

16 Q Did you take any action with respect to the
17 allegations?

18 A What I did, I completed a report myself. And then I
19 provided that to the prosecutor and waited for his instruction
20 as to how to proceed with it.

21 Q And ultimately you took no action with respect to
22 it?

23 A Correct.

24 Q I'll show you here what will be preliminarily marked

1 as Defendant's Exhibit 10.

2 DEFENDANT'S EXHIBIT NO. 10 MARKED FOR IDENTIFICATION

3 BY MS. FINCH:

4 Q If you could please, without going into its
5 contents, tell me what that is.

6 A That's an action taken that I've prepared.

7 Q Is that what we might call a narrative of your
8 report?

9 A Yes, ma'am.

10 Q That would've been contained within the police
11 report along with other materials?

12 A Right.

13 Q Does your narrative explain why no action was taken?

14 A This one does not, no.

15 Q Are you aware of a narrative that would explain why
16 no action was taken?

17 A Before the hearing started today, I called my
18 secretary. And she advised that there's a supplemental report
19 with this, yes. And it stated why.

20 Q Why?

21 A I don't remember the dates on it. But the
22 prosecutor, once I finally was able to talk with him about the
23 investigation, he stated that the Sheriff's Department had
24 already become involved with it. And they had made an arrest

1 on Mr. Williams for the battery. And I was told to no longer
2 pursue it.

3 Q Now at the time that you prepared this report that's
4 to be admitted into evidence, you had spoken with Mr. Williams
5 and you'd spoken with Ms. Decourcy. Had you spoken with
6 Mr. Oljaca?

7 A I believe I contacted him on the telephone. And he
8 was in another state at the time. He said that he would
9 prepare a statement for me concerning this. And I never
10 received that.

11 Q Just to be clear, that would've been before
12 September of 2016 that you contacted Oljaca. Right?

13 A I don't remember.

14 Q It would've been around the time that the incident
15 was reported to you. Right?

16 A Right.

17 Q It wouldn't have been more than ten months later.
18 Right?

19 A It shouldn't have been.

20 Q But Mr. Oljaca seemed reticent to provide that
21 report at that time. Right?

22 A He told me he was going to. And never heard from
23 him again. So . . .

24 Q Okay. There's been some discussion here today

1 regarding something that's been admitted into evidence as
2 Defendant's Exhibit 1. If you could, please take a look at
3 that document and let me know if you recognize it.

4 A Yes. This is a statement that I have obtained with
5 Ms. Decourcy.

6 Q Do you recall sitting and discussing what would be
7 contained in that statement?

8 A Not particulars.

9 Q When you take a statement which is to be a written
10 statement from someone, do you normally write it down yourself?

11 A A lot of times, I'll - most of the time, I'll try to
12 have whoever that person is write their own statement. But not
13 many people want to do that. So when they don't want to
14 cooperate with that or they don't want to write it themselves,
15 I'll write what they say for them.

16 Q Do you write what they say right in front of them?

17 A Yes.

18 Q And have you ever written what someone said apart
19 from them and then come back to them with their statement and
20 asked them to sign it?

21 A Meaning, do I write a statement without them
22 present?

23 Q Right.

24 A No.

1 Q And so if the testimony was that Ms. Decourcy had no
2 idea what that was, and it was her signature, but you had just
3 written it and asked her to sign it, that would not be correct.
4 Right?

5 A Right. That is false.

6 Q In fact, when you review that, what is generally
7 your procedure for asking folks to review their statements?

8 A Well, this one, I have two pages. On the back page,
9 I've got other questions that I had concerning it. I will ask
10 the question, get their answer, write everything down for them.
11 Once I've completed it, I'll tell them to look over it, see if
12 that's what they told me. If there's anything they want to
13 change, they can change it. They can add it in themselves or I
14 will do it for them. However. And I can see on the second
15 page, that's actually been the case, where this is not my
16 handwriting on some of the answers. So she has undoubtedly
17 filled that out as well and then signed the document.

18 Q So to the best of your knowledge, she thoroughly
19 reviewed that document after you prepared it with her
20 assistance?

21 A I gave it to her to read it. I don't know that she
22 read it or not. That's up to her. But she stated that she
23 understood it, she signed it, and she agreed with it. So I
24 would assume that means that she did.

1 Q Now on that document, it says that this incident
2 happened the 29th of September about 11:00. Did you make that
3 up?

4 A No.

5 Q Would it say that because she reported to you that
6 the incident happened the 29th of September at about 11:00?

7 A I wouldn't even be taking a statement from her
8 unless she said that something happened on a particular date
9 and time.

10 Q Did she describe to you what her relationship was
11 with Mr. Williams at the time you took that statement?

12 A Like I say, I had been there multiple times. I
13 pretty well knew what was going on.

14 Q What was going on?

15 A She was staying there at the National Alliance. And
16 multiple - I don't know - disputes, arguments occurred. She
17 left the National Alliance property and moved to Dr. DeMarais's
18 house, which was right on the same property. I guess it's on
19 the same property, but it's contained within it. And there was
20 just constant back and forth between everybody involved out
21 there.

22 Q So do you recall seeing photographs shared with you
23 by Ms. Decourcy of the alleged injuries to her?

24 A I do.

1 Q Based upon all of what you received, if you had
2 believed that there was a case to be made, would you have filed
3 a complaint?

4 A The reason that I didn't file any kind of complaint
5 was, there was - there was knowledge that - and Ms. Decourcy
6 told me as well - that she had already spoken with law
7 enforcement a couple of times about this. And I just wanted to
8 let the prosecutor decide how he wanted to pursue it. There
9 was evidence that there was, I guess, injuries on Ms. Decourcy.
10 There was statements saying that Mr. Williams done that. But,
11 I mean, I just completed it all and give it to the prosecutor
12 for his determination.

13 Q You testified that you interviewed Mr. Williams as
14 well. Correct?

15 A That's correct.

16 Q And you also took a statement from Mr. Williams?

17 A I believe I did, yes.

18 Q And this was all in the context of this property
19 dispute. Right? Was that the reason you got called out?

20 A Yeah, originally, it was.

21 Q I'll show you here what's been marked as Defendant's
22 7. Without going into its contents, if you could, tell us what
23 that is, please.

24 A That's a statement prepared by Mr. Williams or with

1 Mr. Williams.

2 Q He explained to you his version of events, and you
3 wrote it down. Right?

4 A Correct.

5 Q And you asked him to sign it?

6 A Yes.

7 MS. FINCH: I don't have any other questions.

8 CROSS-EXAMINATION

9 BY MR. VIA:

10 Q Trooper Brock, you didn't come to any conclusion
11 about the viability of this case at all, did you?

12 A No, sir.

13 Q And in fact, and just to make things clear, the
14 prosecutor you delivered all that to was not me. Right?

15 A That's correct.

16 Q I came way, way after. Right?

17 A Correct.

18 Q But you didn't have the benefit of being able to
19 complete the investigation because, whatever reason that
20 happened before my time, the case ended up with the Sheriff's
21 Department. Is that right?

22 A Right.

23 Q So at that point, rather than pursue whether it was
24 a viable case or not, you simply closed your file and this

1 matter was undertaken by the Sheriff's Department. Is that
2 correct?

3 A Correct.

4 Q And specifically an example of that would be that at
5 the time you presented it to the prosecutor's office, you had
6 not had any contact with Michael Oljaca. Is that correct?
7 Well, you had attempted contact with him and did have contact
8 with him, but he had not yet provided you any kind of
9 statement?

10 A Right. I'd spoke to him on the telephone, but
11 nothing beyond that.

12 Q Are you aware subsequently he did provide a
13 statement to the Sheriff's Department?

14 A I didn't know that.

15 Q Subsequently, he did testify in this case in
16 magistrate court. Were you aware of that?

17 A No, sir.

18 Q The point is, you aren't able to get that far with
19 the investigation. Is that correct?

20 A Right.

21 Q All right. And it's also true, isn't it, that this
22 complaint and statement of Ms. Decourcy to you on August
23 October 31st, 2015, was not the first attempt on her part to
24 make a complaint in this matter. Is that correct?

1 A Yes.

2 Q I believe you'd indicated earlier that at least one
3 or two times previously, she had made contact with law
4 enforcement in an effort to pursue this. Is that correct?

5 A She did. And the reason -- well, she did, yes.

6 Q And I know you said you couldn't recall specifically
7 whether it was you or not. But I think it was State Police,
8 though, was it not? Are you aware?

9 A I really don't remember.

10 Q Fair enough. But you were aware of an attempt on
11 her part to pursue this matter with law enforcement on a time
12 or two previous to October 31st?

13 A Correct.

14 Q Just happens that you went up there that day, and
15 basically it was her opportunity --

16 A Right.

17 Q -- to give you a statement. And you took it from
18 her, opened the investigation accordingly, and then you've
19 testified as to what happened after that. Is that correct?

20 A That's it. Yes, sir.

21 MR. VIA: That's all I have, Judge.

22 THE COURT: Any redirect?

23 MS. FINCH: Nothing further, Judge.

24 THE COURT: May this witness be excused?

1 MS. FINCH: Yes, Your Honor.

2 (witness excused)

3 THE COURT: Any other witnesses?

4 MS. FINCH: No other witnesses, Your Honor.

5 THE COURT: Do the parties seek a closing argument?

6 MS. FINCH: Yes, Your Honor.

7 MR. VIA: I'm sorry. What was the question?

8 THE COURT: Would you like an opportunity for closing
9 argument?

10 MR. VIA: Just a few minutes.

11 THE COURT: Do you have any rebuttal witnesses?

12 MR. VIA: I do not. Yeah, I'd like a few minutes. But
13 nothing like the --

14 THE COURT: What I would like to do, I'm going to take a
15 recess for about 10 minutes so I can look at the remaining
16 exhibits that were just entered.

17 MS. FINCH: I would ask that 10 be admitted, please.

18 THE COURT: Any objection?

19 MR. VIA: No, ma'am.

20 MS. FINCH: I believe I've already requested admission of
21 mine.

22 THE COURT: So that would be Defendant's Exhibits 1
23 through 10 would be admitted and State's Exhibits 1 through 9.

24 MR. VIA: I believe that's correct.

1 DEFENDANT'S EXHIBIT NOS. 5, 9, AND 10 ADMITTED

2 THE COURT: We'll take about a 10-minute break.

3 MR. VIA: Thank you.

4 MS. FINCH: Thank you.

5 (break in the proceedings)

6 THE COURT: Mr. Via?

7 MR. VIA: Thank you. Judge, the case of battery in the
8 view of the State is well-established here. First, I've asked
9 the Court to consider Ms. Decourcy's statement. And the state
10 will acknowledge it got out of bounds several times, a lot of
11 things, a lot of problems between these two people came out in
12 testimony today that really doesn't have anything to do with
13 this battery. I think the defendant and Ms. Decourcy were both
14 guilty a little bit of straying on their testimony some. And
15 we tried to curb that in.

16 But on the question before the Court today - and that is,
17 was a battery committed by Mr. Williams against Ms. Decourcy on
18 September 30th, 2015. I think the answer to that is
19 unequivocally yes. She testified as to where the parties were
20 situated, that she was in a room, her office with Mr. Williams.
21 That Mr. Williams confronted her. That it became - at first,
22 it was violently verbal, I will describe it as. It became
23 physical by him punching her, pushing her. Ultimately, he
24 choked her, held her down. Mr. Oljaca intervened. And

1 ultimately through his efforts, the altercation stopped. And
2 they both fled. And the subsequent photos were taken and so
3 forth.

4 Her description of the events in that room have
5 unequivocally established the offense of battery, insulting or
6 provoking contact, which, clearly, that was. And again, I ask
7 the Court just to sort through some of the extraneous material.
8 Yes, there was testimony that went into things that didn't need
9 to go into. But that was just a result of what has obviously
10 been a very bitter history here. I think everybody
11 acknowledged that. These two parties at some point in time
12 started very much to loathing one another for whatever reason.
13 And it culminated in September 30th of 2015.

14 Mr. Robert DeMairas, I thought, and would suggest to the
15 Court, was very credible. He answered the questions in a very
16 articulate way and described Ms. Decourcy's demeanor when she
17 came to his home following this incident. He presented very
18 credible. Trooper Brock actually filled in some holes for us
19 that corroborated Ms. Decourcy a great deal. There was
20 discussion in this trial earlier about how it appeared that the
21 only - it was only until October 31st that any complaint was
22 made by Ms. Decourcy and why there was such a delay in
23 presentation of the complaint.

24 Well, we learned from Trooper Brock, he corroborated

1 Ms. Decourcy, that she had in fact on one or two occasions
2 sought help from law enforcement on this and had made contacts
3 in an effort to pursue a complaint. For reasons unexplained
4 here - and I don't intend to explain them - matters weren't
5 pursued at that time. But once he took his statement from her
6 on October 31st, he was prepared to pursue it to an end.
7 Ultimately, it went to the Sheriff's Department, who completed
8 it, and brought us here today. So there was no delay in
9 disclosure of this at all.

10 In fact, I think it's critical that the Court recall that
11 Mr. Williams's wife said that Ms. Decourcy disclosed the
12 choking to her in what must have been minutes after it
13 happened. It was the morning of 30th of September. So, there
14 was no delay in disclosure here at all. The only inconsistency
15 that was noted of any import here relative to Trooper Brock was
16 the date, being September 29th instead of September 30th.
17 That's an error by somebody. By him, by her, by both of them.
18 But it's immaterial. It's a day before. It's irrelevant
19 really.

20 All the parties confirmed the date in the course of their
21 testimony before the Court. And if the only thing wrong with
22 that statement or inconsistent with that statement is a mistake
23 on the date, then we've got a pretty consistent statement. I
24 would encourage the Court to read her statement to Trooper

1 Brock, as well as her statement to the Sheriff's Department.
2 And I ask if there's any way that that statement does not set
3 out the elements of a battery. All the statements clearly do
4 that.

5 Now, lastly, Judge, and I'll close on this topic, and
6 that is Mr. Williams's testimony. I really - you know, cases
7 like this always come down to the Court or to the jury, as the
8 case may be, assessing witnesses and their respective
9 credibility and reliability and veracity. Well, just harken
10 back to Mr. Williams's testimony about how it's altogether his
11 MO just to tell employees to shut up. In fact, he said he, in
12 a raised voice, told Ms. Decourcy - and I'll say this just for
13 the record, not my word, his - got right up on her and said in
14 a loud voice, shut the fuck up. I mean, that's the kind of
15 scene setting we have here in this.

16 And Mr. Williams was absolutely unapologetic for his
17 acknowledgments of talking to his employees that way and, in
18 this case, Ms. Decourcy. He made no secret of it, his distaste
19 for Ms. Decourcy and what he believed to be inappropriate
20 conduct in the workplace was evident. He makes a case in his
21 statement to the Sheriff's Department that it was self-defense.
22 That actually - the word is there in his statement.
23 Self-defense. And then, testifies here today that he was not
24 threatened. He was not afraid he was going to be hurt. There

1 was a desk between them under his version. It's inconceivable
2 that he felt like he was exercising self-defense. And neither
3 the facts, nor the circumstances support that in any way.

4 And then lastly, this I cannot overstate. I've been
5 doing this a long time and I haven't really seen anything quite
6 like this. But here, we have a case - and all of this was
7 acknowledged by Mr. Williams. We have Michael Oljaca, who was
8 there at the scene and saw it. Whatever it was, he saw it. He
9 subsequently assisted Ms. Decourcy in leaving the building.
10 Later, he provided a statement to law enforcement. He later
11 testified under oath in the preceding below in this. And
12 according to Mr. Williams, he acknowledged that, although he
13 thought he was lying, fact is, his testimony corroborated Ms.
14 Decourcy's version of events here.

15 Mr. Oljaca is not with us today. He is believed to be in
16 New York. But incredibly, even after this conviction, in
17 September of 2016, several months after a conviction in the
18 court below, Mr. Williams suggests to Mr. Oljaca that in order
19 for him to be absolved of all liability in some unrelated civil
20 case, what he could do was all the sudden forget what happened
21 on September 30th, 2015. He can say that he was coached by
22 Ms. Decourcy, that he could lack - that his memory not to be
23 clear as to what happened, and that he should inform this Court
24 by letter that he will not testify against him in this case.

1 Unbelievable that a witness post trial, a witness whose
2 testimony has already been offered up in the proceeding, that
3 that witness would be encouraged to perjure themselves, change
4 their story, otherwise have an unexplained memory loss, all in
5 exchange for assistance and liability in a separate, unrelated
6 case. I'm not going to get into whether any of that
7 constitutes intimidation of a witness or any of that. But what
8 it does is it shows consciousness of guilt at a level we rarely
9 see. I mean, the consciousness of guilt in that e-mail to
10 Mr. Oljaca is oozing off the page. For him to solicit
11 unfounded or otherwise perjured testimony or no testimony at
12 all is absolutely unbelievable. But that's what happened here.

13 So when the Court goes to establish what it feels about
14 witnesses' credibility, I would ask the Court to consider that.
15 I don't know how much or how further one would even need to go.
16 If you're out talking, offering - essentially offering
17 inducements to witnesses to change their story for an upcoming
18 trial, then there's something wrong with your story. There is
19 something wrong with the story you have to tell if that's what
20 you're doing with other witnesses. And I would encourage the
21 Court greatly to consider that.

22 Ultimately, this is - in the absence of witnesses that
23 neither side were able to have here today, it largely is a
24 question of he said/she said really, which becomes a

1 credibility issue. And the photos, I think, speak volumes as
2 well. I'm going to acknowledge that those photos don't reflect
3 felony injuries. I know that. They don't reflect injuries
4 that landed somebody in a trauma unit at a hospital somewhere.
5 I know that. They were never purported to be that. But what
6 they do purport to be are pictures taken within an hour of this
7 incident showing very clear aggressive contact to
8 Ms. Decourcy's neck. Just can't avoid that conclusion. No one
9 ever said she became unconscious or lost blood flow or
10 otherwise suffered from an actual legal strangulation.

11 But the pictures show a clear misdemeanor injury and a
12 clear misdemeanor intent of someone on her neck. And holding
13 one's hand out for reasons that were never adequately explained
14 and making contact slightly with her chin, that's absolutely
15 not what those photos depict. Appreciate the Court's
16 considering all of this. And thank you very much.

17 THE COURT: Ms. Finch?

18 MS. FINCH: Thank you, Your Honor. Upon the State's
19 amendment, their obliged to show the Court that Mr. Williams
20 unlawfully and intentionally made physical contact with force
21 capable of causing physical pain or injury to Ms. DeCourcy or
22 unlawfully and intentionally did cause such physical pain or
23 injury.

24 And what Mr. Via has described was an incident, as

1 Ms. DeCourcy described in her testimony, of punching, pulling,
2 choking, and holding down. She explained that she had gotten
3 injuries, bruises after being pushed against filing cabinets
4 and bookshelves. But the evidence doesn't show that. She
5 didn't take any photographs of those injuries. She didn't take
6 any photographs of any bruises that she incurred, as she
7 described, after these red marks dissipated, the bruises that
8 she described. There was no photographic evidence of that.
9 And so we're not talking about insulting or provoking contact,
10 but rather unlawful and unintentional physical contact with
11 force capable of causing physical pain or injury.

12 Putting the aside issue of credibility, which I think
13 there are great many, these photographs show a pressure mark.
14 And while Ms. DeCourcy did describe physical pain or injury,
15 that's not what the photographs depict. She explained the
16 discrepancy in these two statements given approximately one
17 month and three days apart as being the fault of Trooper Brock,
18 that he just wrote this up and brought it to her and explained
19 that she needed to sign it in order for him to deal with her
20 stolen property.

21 And you heard from Trooper Brock that nothing could be
22 further from the truth. That he sat and took her statement,
23 that he allowed her to make modifications to that statement,
24 which you see clear as day. And then she signed. So, I agree

1 that the date and time might be errors that can be explained
2 just by human error. But I disagree that Ms. DeCourcy saying
3 that Trooper Brock made this statement up and had her sign it
4 isn't relevant. I think it's very relevant to her credibility.

5 And, so, she lied when she told you that she didn't
6 prepare this statement. She lied when she told you who was in
7 the room at the time. She lied when she told you that she was
8 afraid. Because it's clear in her statement, she responded to
9 Trooper Brock that she had refused to cooperate because she was
10 scared that Mr. Williams would get even or kill her. When she
11 was asked by Trooper Brock, why do you want to file a complaint
12 now? Because I'm still afraid of him. So it doesn't stand to
13 reason that someone would refuse to cooperate because they were
14 afraid and you choose to file a complaint because they're
15 afraid.

16 What's very clear here is that Ms. DeCourcy believed
17 herself to continue to work for the National Alliance, that she
18 knew she didn't continue to work for Mr. Williams, and that she
19 was going to throw as many wrenches into this as possible in
20 order to maintain her position. That's one thing that she
21 didn't lie about, that she believed she still works for the
22 National Alliance. But she had lied about what happened here.

23 Mr. Williams lied when he was asked if he had tampered
24 with witnesses. And he was impeached on it. He wrote an

1 e-mail that was very foolish, indeed, and very unadvisable.
2 But I don't think that that undercuts what he otherwise
3 testified, which was that this just simply didn't happen the
4 way Ms. DeCourcy explains it. And I think that when you think
5 about what happened in the days following this incident, it
6 stands to reason that Mr. Williams's account is correct.
7 Because, Ms. DeCourcy told us on the stand that she immediately
8 ran out of the place. She went back in to use the bathroom,
9 which is unexplained if you're in fear for your life. And that
10 she went over to DeMarais's, went on the mountain, and had a
11 planning and strategy session with Mr. Oljaca.

12 What we heard from Ms. Williams is that she had an
13 extended telephone conversation, with Ms. Williams, which is
14 corroborated by the e-mail that Ms. Williams said referred to
15 that telephone conversation. And it's consistent with the fact
16 that Ms. DeCourcy believed that she continued to work for
17 National Alliance. Mr. Williams, in fact, testified he paid
18 Oljaca and Ms. DeCourcy after this incident.

19 I don't disagree that there was clearly a fracas. But it
20 was not, by this photographic evidence, punching, pulling,
21 choking, or holding down. There's no evidence of the injuries
22 that Ms. DeCourcy says that she incurred by being pushed
23 against filing cabinets or bookshelves. And we know she knows
24 how to take photographs of herself. I am encouraging the Court

1 to think about the instances today where Ms. DeCourcy has been
2 dishonest and see that as establishing reasonable doubt that
3 Mr. Williams is guilty of battery. Thank you, Your Honor.

4 THE COURT: Mr. Via?

5 MR. VIA: Yes, ma'am. Ms. Finch is quite right on the
6 applicable statutory language here, but the state would assert
7 that there has been unlawful and intentional physical contact
8 with force capable of causing pain or injury. I mean,
9 obviously, those marks on her neck reflect pain and they
10 reflect injury. This is not serious bodily injury. I made the
11 point a moment ago that nobody's arguing this is a felony
12 injury case. It is mere physical injury and mere physical
13 pain. Nothing major in either category, nor is it required.

14 Also, this business about this story was perpetrated to
15 try to save her position at the National Alliance or whatever,
16 I thought that was fairly well debunked previously. Trooper
17 Brock said that October 31 was not the first time that this had
18 been brought to law enforcement. In fact, Ms. Williams was
19 told the day it happened that there was a choking. This
20 business about firing her didn't happen until up in October,
21 that termination of agreement is dated in October. And these
22 money orders that were sent, this was after.

23 The firing of Ms. DeCourcy or the attempt of Ms.
24 DeCourcy, I think as Mr. DeMairas called it, running her off

1 the property, it's pretty clear why Mr. Williams wanted rid of
2 her. I mean, after what happened on the 30th and with
3 knowledge - had to have knowledge that something was going to
4 come from that. The idea that he wanted her off that property
5 is pretty clear. And it didn't happen until up in October. So
6 to suggest that this story got reported as a result of fear of
7 being fired simply doesn't jibe with the facts that are before
8 the Court. I believe that is all, Judge, insofar as rebuttal.
9 I'll let it rest with the Court.

10 THE COURT: I reviewed all of the exhibits as well as
11 listened to all the testimony today and have considered the
12 credibility of each of the witnesses. Now what the burden of
13 proof here today is beyond a reasonable doubt with regard to a
14 misdemeanor battery. A battery is any person who unlawfully
15 and intentionally makes physical contact with force capable of
16 causing physical pain or injury to the person of another or
17 unlawfully and intentionally causes physical pain or injury to
18 another person.

19 Considering the testimony today, Ms. DeCourcy testified
20 that on September 30th, 2015, at a location here in Mill Point,
21 Pocahontas County, West Virginia - so the jurisdiction has been
22 established - that William Williams, indicating he was not done
23 with her, came across the room with a fist. She was knocked
24 back into chairs. He was choking her and screaming that she

1 knew too much, and pushed her into a corner of file cabinets
2 and the bookcases.

3 Subsequent to her testimony, what was presented was a
4 series of photographs. And of those photographs, three were
5 taken by Mr. Oljaca following - immediately following the
6 incident. Five were taken by Ms. DeCourcy. Those photographs
7 show injury to Ms. DeCourcy's neck area. It shows a redness.
8 It shows swelling. The Court believes that the photographs are
9 consistent with the type of injury that was described by
10 Ms. DeCourcy in her testimony.

11 Now, there's been some question about the statements that
12 followed - that followed the incident. There was a statement
13 that was taken on October the 31st. It was taken from the -
14 well, it was written by the trooper, signed by Ms. DeCourcy.
15 And in that, the consistencies with those statements are that,
16 with the October 31 statement, it appears to be consistent with
17 her testimony today that, makes contact with her throat area.
18 She's falling into a corner. She does indicate that Mr. Oljaca
19 entered the room, which is consistent with her testimony today.

20 I also note from that report that - from that statement
21 that when asked about whether she had previously spoken to law
22 enforcement about the incident prior to today - that date being
23 October 31st - she responds yes, but refused to cooperate.
24 When asked why she did not want to - why she wanted to file the

1 complaint now, she uses the word still. 'Cause I'm still
2 afraid of him, afraid for my life.

3 In the statement that she gave in December, the
4 consistencies appear to be that his hand was in a fist, which
5 she testified to today. That he began to choke me, which is
6 consistent with the testimony today. Knocked me back into a
7 corner, which appears to be consistent. That Michael was
8 present at the time. So there does appear to be consistency by
9 Ms. DeCourcy consistently between the testimony today, the
10 statement of October 31st, and the statement of December 2nd of
11 2015.

12 It also appears to be consistent with the testimony
13 offered by Mr. DeMairas. He testifies that on the date in
14 question, September 30th, that who arrived at his home was
15 Ms. Decourcy and Mr. Oljaca, if I'm saying his name correctly.
16 And that at the time they arrived at his residence, they
17 borrowed a Gator to go on the mountain. That's consistent with
18 the testimony that she gave. And also that he describes
19 Ms. Decourcy as being nervous, afraid. He testified he was
20 made aware of the incident when she came to the home. His
21 understanding was that Mr. Williams had attacked her. He did
22 observe on her at that time what he referred to as twin bruises
23 on the left side of her neck.

24 I believe what is most telling of the event, though, is

1 the testimony of Ms. Williams. She testifies that on the date
2 in question, not on the date of either statement but on the
3 date in question, Ms. Decourcy stated to Ms. Williams that she
4 had been choked by Mr. Williams. That would lead one to
5 believe it had nothing to do with some of the ancillary
6 information that's come into this case with regard to
7 terminations or who worked for whom and when they were
8 terminated or if they were paid. The question is, was she in
9 fact battered on the date in question.

10 I think Mr. Williams's testimony is informational with
11 regard to the environment in which the activity is alleged to
12 have taken place. He admits he found Ms. DeCourcy to be - to
13 run her mouth, to be manipulative. To the point that on that
14 day, he told her to shut the fuck up. That gives you an idea
15 of the environment between the two individuals on the date in
16 question. He further testified to the fact that she had
17 challenged his authority.

18 I find Ms. DeCourcy's testimony to be credible to the
19 extent that it has been consistent in her statements. It's
20 obvious that she went to law enforcement shortly after the
21 incident and prior to October 31st. And that is consistent
22 with the testimony of Trooper Brock, as well as Ms. Decourcy
23 herself.

24 And I do think it goes to credibility of the witnesses

1 with regard to the fact that Mr. Oljaca did testify at the
2 magistrate level, which is conceded to by the parties. And
3 subsequently in an e-mail, Mr. Williams did direct him,
4 basically, to write a letter stating that he would not testify
5 against him in the assault case, that his memory - suggesting
6 that your memory is not clear as to what happened during the
7 altercation between me and Garland on September 30th and that
8 Garland coached you, as she did John, in how to testify for the
9 prosecution. That is not an e-mail that suggests that one tell
10 the truth and the whole truth as they perceived it to be, but
11 is an e-mail suggesting to someone how to testify.

12 So based upon the entirety of all the evidence, I do
13 believe that the state has proven that William Williams
14 unlawfully and intentionally made physical contact with force
15 capable of causing injury to Garland Decourcy on September 30th
16 of 2015 which constitutes the misdemeanor of battery. I'm
17 going to find him guilty of battery.

18 Mr. Williams, you will be adjudged guilty of the battery,
19 misdemeanor offense of battery.

20 Which brings us to the disposition in this case. Now
21 normally what I like to do is refer the matter to the probation
22 department for a presentence report prior to any disposition.
23 That would be my intent in this case. So without a probation
24 officer being here currently, I'm going to suggest it's

1 probably going to be about 60 days, normally. I'll be in
2 Pocahontas County on October the 10th. I could schedule the
3 sentencing hearing at 10:00 a.m.

4 MR. VIA: Yes.

5 MS. FINCH: Yes, Your Honor, unless that trial goes.

6 THE COURT: Yes, there is a trial scheduled on that
7 particular date. In the event that it would go, it would be
8 bumped. But otherwise, I'm going to schedule it for October
9 the 10th at 10:00.

10 Mr. Williams, you'll need to cooperate with the probation
11 department with regard to - they'll prepare a presentence
12 report and provide that to me prior to any sentencing hearing.

13 Are there any matters that we want to take up today
14 regarding bail?

15 MS. FINCH: I would ask that he be allowed to remain on
16 his bond pending the sentencing so that he can cooperate with
17 the probation department with the investigation report. Also,
18 he does reside in Tennessee. So I would ask that he be
19 permitted to continue on that same bond which allows him to
20 leave the state and grants him permission to do that.

21 MR. VIA: No objection.

22 THE COURT: No objection. Then --

23 MS. FINCH: That was posted, I believe, at the magistrate
24 court level.

1 THE COURT: It was posted at the magistrate court level.
2 And I believe - isn't there a no contact provision with regard
3 to that bond?

4 MR. VIA: I assumed there was. If there's not, I do need
5 that. But I think that's already in there, isn't it?

6 MS. FINCH: I didn't bring that paperwork with me.

7 THE COURT: Mr. Williams, you'll remain on bond as
8 previously posted. A condition of that bond is that you shall
9 remove any and all posts on the Internet with regard to the
10 victim or her children. Shall not have any third-party contact
11 or Internet postings in regard to the victim or her children.
12 I'll also order that there will be no contact whatsoever with
13 Ms. DeCourcy in this matter.

14 MS. FINCH: Thank you, Your Honor.

15 THE COURT: Anything further today?

16 MR. VIA: No, ma'am. Thank you.

17 THE COURT: We'll stand adjourned until October 10th at
18 10:00.

19 * * * *

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1 STATE OF WEST VIRGINIA,
2 COUNTY OF POCAHONTAS, to-wit:
3

4 I, Anne R. Owens, RPR, Official Court Reporter of the
5 Circuit Court of Pocahontas County, West Virginia, do hereby
6 certify that the foregoing is a true and correct transcript of
7 the proceedings had and testimony taken in the hearing of the
8 action of 16-M-AP-01.

9 I hereby further certify that the transcript within meets
10 the requirements of the Code of the State of West Virginia,
11 51-7-4, and all rules pertaining thereto as promulgated by the
12 Supreme Court of Appeals.

13 Given under my hand this 27th day of March, 2019.
14
15
16

17 Anne R. Owens, RPR
18 Circuit Court of Pocahontas County
19
20
21
22
23
24

Subject: Fwd: from Svetlana

From: Will Williams <[REDACTED]@gmail.com>

Date: 3/2/17, 9:16 AM

To: National Alliance Chairman <[REDACTED]@natall.com>

----- Forwarded message -----

From: Will Williams <[REDACTED]@gmail.com>

Date: Mon, Oct 5, 2015 at 12:58 PM

Subject: from Svetlana

To: cccgarden <[REDACTED]@frontier.com>

Cc: Michael Oljaca <[REDACTED]@gmail.com>

Hello, Gael,

I still can't use [REDACTED]@natall.com for few more days. That's why I am writing from Will's email address.

I have to write you to explain elementary things you don't seem to understand. I thought only crazy person like Diloway at the age of 50 needs explanations who is the BOSS and how to behave with the BOSS. As I see he is not the only one.

As I mentioned to you Will and I see a lot of similarities between you and RD.

He was behaving like he was the boss of the Land, so do you. One worker said to Will : "This woman behaves like she is the owner of the property".

You and RD seem to be very idealistic, but your personal high ambitions mean much more to you than your ideals.

You both are industrious, energetic and helpful on several types of tasks, but equally terribly undisciplined, disobedient and defying.

You both are sure that you know what and how to do better than the Chairman. You are certainly much smarter than RD, but your task as an employee to be a " yes, sir " person. As RD you often behave like Will is your buddy. Will is very far from being ambitious, arrogant and demanding BOSS who enjoys his power over employees, but he will always require discipline and obedience from his employees.

In addition to RD's "pros" you absolutely can't control your mouth, love gussoping and badmouthing people behind their back.

Actually, you were crazy enough to say directly to your BOSS that he was a psyho, stupid, "raped April Gaede", "nobody likes you", etc. It was like you were begging him "Fire me! I dare you!".

After that you would lie to me that Will was "chocking" you- an innocent victim. Since I know Will so well, I didn't believe a word of your crap.

Later Will described me that scene exactly as it was. Your behavior was very similar to crazy Dilloways' on May 3rd. He stood up and went toward Will yelling at him, so did you. You both needed to be and were stopped by strength - Dilloway in his chest area, you under your chin. As I told you Will NEVER lies or exaggerates.

We have caught you on lies several times, Gael. I am not sure if you lie intentionally or maybe confuse your imagination with reality and believe what you are lying about or both.

I think you understand that it's not going to work this way and last Wednesday you got your first direct, but final notification from Will. Another episode of not controlling yourself like on Wednesday and you will urgently need three U-Haul trucks again. I can't believe you would say such nasty lies to a man who rescued you when you were about suicidal.

I've been living with Will for over 10 years. He is amazingly easy person and employer to get along with. Of course, unless the people start abusing his kindness or his employees start demonstrating obvious insubordination like you, Dilloway, Parnitzke.

He appreciates employees' initiative, but you are way to pushy and argumentative on a regular basis. You can give your advice just once. One time is plenty for Will to understand the point.

The solution is going to be entirely his and he is great at making right decisions.

At the beginning I think he is wrong pretty often. Later I see that his decision was perfectly right in practically 100% cases.

Many years ago a Professor of Architecture School told Will : "You have very rare and valuable gift, spacial aptitude". This talent of Will works well not only in architecture.

But you would argue about anything he says, directly showing that your employer is not as smart

as you are.

I didn't witness most of your constant discussions about practically anything, but I trust Will's descriptions unconditionally. He is honest to the fault, very adequate and has excellent memory.

I can tell myself though how stubborn and persistent you were telling me that NA supporters don't care and don't need to see employee introductions in the BULLETINS. It would be much better to print a long list of items needed for donations, etc.

Will is very smart, talented and creative himself. But the authority of Dr. Pierce is so high for him that Will has been and always will be following Piercian directions precisely with just little time related changes.

Since Will became the Chairman, a lot of the smartest people told him sincere compliments how well he has been running the Alliance, especially, considering tremendous challenge of the task, how interesting the BULLETINS are and so on.

Since Will doesn't see you often he had to ask everybody who met you and was helping you about their objective opinion about you. Practically everyone said the same thing with different words. The first impression was great, but the longer you were "running your mouth" the more their first impression was changing.

You are obviously very smart, charming, interesting and funny person, Gael. But the final conclusion of practically everybody Will asked was like this "mouth diarrhea, a "conspiracy nut", "serious personality problems", etc.

Believe me, Gael, I am not telling this to hurt you. Just want you to look more critically and objectively at yourself. Of course, now you feel that Will is unfair monster and I am positive you describe him this way with serious exaggerations in your complaints to Michael O, Dr. Bob and the others.

I sincerely advise you, Gael, please just do what the Chairman tells to do without any arguments if you want to keep working for the Alliance. I wouldn't even recommend you to mention your ideas - as a rule opposite to Chairman's even once - at least now when Will is so angry with you. When you hear some criticism from him, you also better silently take it into consideration without immediate arguments, interruption and talking over him as you usually do.

You are so sure that you know so much and better than the others.

Sometimes you were right and helpful, but not so often. For example, about the long email you Ccd to Tim, he objectively said : " This is a good point. I didn't think of this." just once. About the rest of your points he said " Wrong-never do this". Another example-the point you gave me on Wednesday about VA rules of serving, was BS. The text of subpoena shows it clearly besides some other confirmations. I could give you many more examples like this.

Nevertheless, Gael, we are grateful to you for many things that you've done very well. We hope to find an easy to deal with manager soon, who will be capable of managing the Land properly and never being insubordinant.

We hope that constant presence of manager will discipline you, Michael and other employees in the future.

But at this point be prepared to Will's visits without notifications.

It's very easy to please Will- just be disciplined and do what he told you to do.

Here is the list of some things you and Michael should be doing in the closest days:

- Get Driver License for Michael
- Put license plate on truck
- Inspect the truck, because otherwise Fred said we would get a ticket
- Recycle or take to the dump/thrift store the pile of old books from the room Will sleeps in
- Sweep sawdust and make order in the shop. Marta was shocked at mold on TV
- Keep digging the ditch behind the gate house. Dry and fold brown tarp
- Move your stuff from the front of the Red Barn to the back room, make order
- Keep cleaning and fixing farm house even if just painting
- mow grass and weedeat last time and store tools for winter

Will says that most of these tasks he mentioned to both of you more than once. Some still haven't been done, nevertheless. That what drives Will nuts as any other employee would feel.

I Cc this email to Michael O. because you are a team you "work well together" and he needs to know what is going not only from your words, Gael. We see that Michael speaks and writes with your words even though he is smart man and good writer himself. Unfortunately, you have huge influence on him since he is so unexperienced with his current job and unconfident. But Will trusts him and has no problems communicating with him, as well as with Dr. Bob and all other good people.

For over 10 years I've noticed just three people Will had troubles with: RD, Parnitzke and you.

Gael, I know that you love living and working on the Land, you want and can be very helpful to the Alliance-that's why I wrote this letter, trying to help you.

Will never asks me for any assistance like this. I asked him for the list of things for you to do only. He was an employer his whole working life. I know he did it several times before and will let his employees go without any hesitations if they cause unnecessary problems for business and stresses for him. The current Alliance's situation and Chairman's work are hard enough without additional "headaches" from you, believe me.

So, please don't check the strength of his patience anymore even with little things like keep smoking in the office, not making cats living outside, as Will advised, etc.

Our three outside cats are very happy and comfortable like this and we forgot about mice problems since we started feeding and fixed homeless kittens. The only thing to take care of- to prepare some place outside that is warm enough in cold winter days.

Gael, please don't bother to respond this email giving me your side of a story like you usually try to do gently (to me) badmouthing Will.

You know who I am going to believe- who was never caught on a lie or just exaggeration.

Just correct your *employee* behavior as much as you can please. Good luck!

Sincerely,
Sveta

Termination of Contract

This agreement between Will Williams, Chairman of the National Alliance (NA), and NA's related entities National Vanguard Books and Cosmotheist Community Church, hereinafter collectively known as Chairman, and Garland DeCourcy, hereinafter known as Contractor, is agreed to by both parties, this date, _____ October, 2015.

Services by Contractor for NA and Chairman terminate as of the end of October, 2015. All personal belongings of Contractor will be removed from NA premises located on Boyd Thompson Road by that date, and all keys to all NA buildings, POBs and to the Sims cabin located off of the property will have been turned over to Chairman Williams, upon the signing of this agreement.

Payments by Chairman to Contractor of \$3,000 will be paid to satisfy this contract in full in the following manner:

- ^ \$1,000 by two money orders made out to Garland DeCourcy and sent to Contractor by Priority Mail, on 26 October, 2015, to be received by Contractor by 28 October, 2015. This amount represents October payment plus \$200 to assist with moving Contractor's belongings from NA premises by the end of October.
- ^ \$1,000 cash, \$500 of which will be given when Contractor's belongings have been removed, and the other \$500 when Chairman is assured that Contractor has relocated to a new location and will no longer find it necessary to enter NA's gate to stay at her present residence at the home of Dr. Robert Demarais who has a right of way across NA property to his residence.
- ^ \$1,000 in the form of two additional money orders made out to Garland DeCourcy, to be held by Kevin Alfred Strom, NA Media Director. The first one will be released to Contractor by Mr. Strom as soon as Chairman is assured that Contractor has moved on and will not be entering the NA gate at any future date. The second money order will be released to Contractor by Mr. Strom no sooner than 30 days after the date of this agreement, or 30 November, 2015, unless Mr. Strom is assured by Contractor or Dr. Bob Demarais that Contractor has moved on with her life and will abide by the terms as mutually agreed to by both the Chairman and Contractor below. With such assurances, the final \$500 money order will be released by Mr. Strom to Dr. Demarais for forwarding to Contractor at her new address immediately.

Total \$3,000, released on the above agreed upon schedule and according to agreed upon terms below.

Contractor agrees she will not be employed by a similar organization as NA for a period of five years and will not disclose any information she learned, while providing services for NA, to anyone outside the NA organization at any time. What Contractor learned at NA stays at NA for the good of NA. This paragraph will be known henceforth as both the non-competition clause and the non-disclosure clause of this Termination of Contract.

Both the Chairman and the Contractor, in good faith, agree to not disparage each other going forward in consideration of this reciprocal agreement. This, being a private agreement between two Aryan parties will be honored as such by their vows to do so.



William W. Williams, National Alliance Chairman

Garland DeCourcy, Contractor

26 OCT '15

GARLAND,

HOPEFULLY THIS AGREEMENT
MEETS W/ YOUR APPROVAL. IF
SO, SIGN & KEEP ONE & SIGN
THE OTHER, DATE, & GIVE TO BOB
TO HOLD FOR ME.

GOOD LUCK IN YOUR NEXT
ADVENTURE. I'M SURE YOU
WILL LAND ON YOUR FEET.

Y UJR

PS. HONOR THIS AGREEMENT,
MAKE A CLEAN BREAK, & I'LL
GIVE YOU A GLOWING
REFERENCE IF YOU WANT
ONE. NO HARD FEELINGS.

WILLIAM WILLIAMS

STATEMENT OBTAINED ON 10/31/2015 AT 1602 HRS.

Q. WHAT HAPPENED?

A. ON 9/30/2015 AT APPROX. 0930 HRS, MYSELF, MICHAEL AND GARLAND WERE SITTING. I WAS BEHIND HER DESK. I WAS COUNSELING THEM. SHE KEPT ARGUING, SO I TOLD HER TO SHUT UP. SHE JUMPED UP FROM HER SEAT, AND POINTED HER FINGER IN MY FACE AND STARTED YELLING. SHE CHARGED ME AND I PUT MY RIGHT HAND OUT TO STOP HER. MY HAND CONTACTED HER CHIN. ^(SELF DEFENSE) THEN ~~SHE~~ I WALKED OUT OF THE ROOM. I DID NOT LEAVE MARKS ON HER NECK.

X William Williams

GARLAND, ELIZABETH CORSE DeCOURCY.

Q

STATEMENT TAKEN ON 10-31-2015 @ 1532.

BY TPR. D.M. BROOK.

Q WHAT HAPPENED?

A. ON TUESDAY, SEPTEMBER 29TH 2015 AT APPROXIMATE 1100 HRS. WILL WILLIAMS JUMPED ACROSS THE ROOM TOWARDS ME. HE MADE CONTACT WITH MY THROAT AREA WITH BOTH HANDS. THIS CAUSED ME TO LOOSE MY BALANCE, AND I FELL BACK INTO THE CORNER. WILL WILLIAMS FOLLOWS ME AND STARTED CHOKING ME W/ BOTH HANDS. MICHAEL OLTA CA WITNESSED THIS. MICHAEL ENTERED THE ROOM, AND FORCEFULLY SEPERATED WILL FROM ME. DURING THIS TIME, WILL WAS SAYING "HE NEEDED TO SHUT ME UP, I KNOW TOO MUCH" AND THAT HE WANTED TO "FINISH". MICHAEL AND I RAN THROUGH THE BUILDING, AND GOT AWAY. I WANTED TO CALL THE POLICE, BUT MICHAEL SAID IT WOULD TAKE TOO LONG, AND HE WOULD KILL US.

Q. HAVE YOU SPOKEN TO LAW ENFORCEMENT ABOUT THIS INCIDENT PRIOR TO TODAY?

A. YES. BUT REFUSED TO COOPERATE.

Q. WHY?

A. WE WERE SCARED THAT MR. WILLIAMS WOULD GET EVEN. ^WKILL US

Q. WHY DO YOU WANT TO FILE A COMPLAINT NOW?

A. CAUSE I'M STILL AFRAID OF HIM.
AFRAID FOR MY LIFE

X M L E C G

Q. DID YOU RECEIVE INJURIES FROM THE CHOKING INCIDENT?

A. BRUISING AND SWELLING IN THE NECK AREA.
/ Swelling lasted 3 days, marks

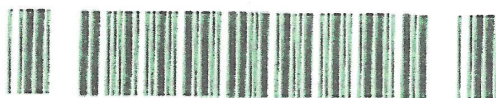
X M L D C G

STATE OF WEST VIRGINIA
WEST VIRGINIA STATE POLICE
REPORT OF CRIMINAL INVESTIGATION



DETACHMENT FILE NUMBER

31409274



PRIMARY OFFENSE

Battery

MEMBER ASSIGNED

Tpr. D.M. Brock

VICTIM(S)

Garland G. DeCourcy

SUSPECT(S) ACCUSED

William White Williams

0227

On this same date, at approximately 1602 hours, this officer obtained a hand written statement from the accused, William Williams. In summary, the accused stated that on 09/30/2015 at approximately 0930 hours, he was counseling Mrs. DeCourcy and Mr. Oljaca. The accused stated that Mrs. DeCourcy kept arguing with him and he told her to shut up. The accused then described Mrs. DeCourcy as jumping up from her seat and pointing a finger in his face while yelling. The accused stated that Mrs. DeCourcy charged him, so he extended his right hand to stop her. The accused stated that his hand did make contact with her chin area, but this was only a self-defense action. The accused stated that he left the room at this time. This statement is attached to the detachment copy of this report.

On Wednesday 11/04/2015 this officer received an Email from Mrs. DeCourcy containing photographs of her neck. Mrs. DeCourcy stated that these photographs were taken following the previously described incident. These photographs show red marks on each side of Mrs. DeCourcy's neck. These photographs are contained on a compact disc CD-R and are referred to as Exhibit #1 of this report. This CD-R is attached to the detachment copy of this report.

This investigation is considered to be pending. This investigation will be forwarded to the Pocahontas County Prosecuting Attorney for further direction on this investigation.

Witnesses:

Tpr. D. M. Brock
16212 Seneca Trail
Buckeye, WV 24920

(304)799-4101

List of Exhibits:

Eight (8) digital photographs of injuries on Garland DeCourcy's neck. These photographs were obtained by this officer via Email from Mrs. DeCourcy on 11/04/2015. These photographs were taken by Mrs. DeCourcy. This CD-R is attached to the detachment copy of this report.

Action Taken:

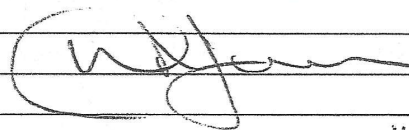
On Saturday, 10/31/2015 this officer responded to the National Alliance property located in Mill Point WV for a property dispute. William Williams had removed Garland DeCourcy's property from a barn located on National Alliance property. While on scene, this officer received a battery complaint from Mrs. DeCourcy.

On this same date, at approximately 1532 hours, this officer obtained a two (2) page hand written statement from Mrs. DeCourcy. In summary, Mrs. DeCourcy advised that on 09/29/2015 at approximately 1100 hours, Will Williams, the accused, jumped across the room toward her and made contact with her throat area causing her loose her balance and fall backwards into the corner. Mrs. DeCourcy further stated that the accused then followed her and began choking her with both hands. Mrs. DeCourcy advised that a witness, Michael Oljaca stepped in and forcibly separated the accused from Mrs. DeCourcy. Mrs. DeCourcy advised that the accused was saying "he needed to shut me up, I know too much", and that he wanted to "finish". Mrs. DeCourcy stated that she got away from the accused and wished to call the police, but did not do so because she was afraid that the accused would kill them. Mrs. DeCourcy further stated that she had spoken to Law Enforcement about this incident prior to this date, but refused to cooperate because she was afraid that the accused would get even or kill her. Mrs. DeCourcy stated that she wished to file a complaint at this time because she was still afraid for her life. Mrs. DeCourcy stated that she received bruising and swelling in her neck area as a result of the attack. This statement is attached to the detachment copy of this report.

On this same date, this officer spoke to Michael Oljaca via telephone. Mr. Oljaca stated that he had recently traveled to New York. Mr. Oljaca stated that he would provide this officer with a statement concerning this incident at a later time. This officer has not received anything from Mr. Oljaca since this discussion.

(Criminal Complaint Continued)

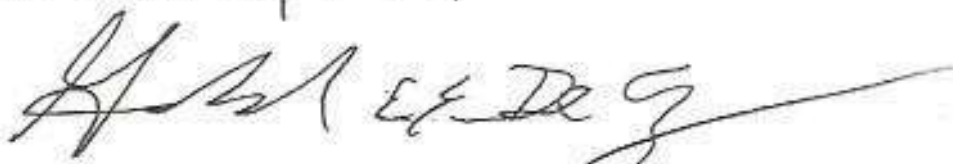
On 12-02-15 I Deputy B.L. Kelly along with Sheriff Jonese spoke with Garland E DeCourcy about an incident that took place on 09-30-2015 in Mill Point which is located in Pocahontas County WV. Ms. DeCourcy stated that she worked for the National Alliance located in Mill Point and worked for William White Williams II. Ms. DeCourcy stated that on 09-30-15 she entered her office in Mill Point and William White Williams II met her. Ms. DeCourcy stated that Mr. Williams lunged towards her and began choking her. Ms. DeCourcy stated that Mr. Williams force knocked her into the corner of the room away from the door. Ms. DeCourcy stated that Michael Oljaca who also worked for the National Alliance was present during the incident and pushed Mr. Williams away and pried his hands from her neck. This Officer spoke with Michael Oljaca who stated that he was standing outside Ms. DeCourcy's office doorway. Mr. Oljaca stated that Mr. Williams was sitting in Ms. DeCourcy's officer and began arguing with her immediately on 09-30-15. Mr. Oljaca stated that Mr. Williams got up from his chair and lunged at Ms. DeCourcy while making a motion with his left hand to smack her. Mr. Oljaca stated that Mr. Williams then took his right hand and started choking her. Mr. Oljaca stated that as soon as the incident took place he pulled Mr. Williams off of Ms. DeCourcy and had to physically restrain him so that he would not do further damage. William White Williams II is in Violation of WV State Code 61-2-9(c) Battery.



110DEC150

On Wed Sept 30, 2015 William White Williams, II met me as I entered my work place office where he began Abuse, It resulted in him threatening me & then lunging towards me hand in fist to smash me in face or head & then began to choke me. The force of the attack knocked me back into area of corner of room away from door. Mr Michael Olajide was present at the door listening & watching & jumped in & with great effort & force ~~he~~ had to push back & pry him off my neck. Williams fought him & continued to come after me shouting he needed to finish it. "She knows too much" "She has to be dealt with". ~~I was in pain, scared for my life & didn't know what to do~~
I was in pain & scared for my life &

12/2/15
2:40 PM


Garland E. De Courcy

Michael Oliaca (Chief of Staff/Employer of National Alliance

Incident of Assault on Sept. 30, 2015

On the morning of Sept. 30, 2015, Ms. Garland DeCourcey (employee) entered the office to report for work. Upon her arrival into the office, our employer, Will Williams, had been waiting in the office when she arrived. He was in a very volatile and bad mood that morning, at least as it had appeared to me.

Mr. Williams began immediately arguing w/ Ms. DeCourcey. The argument had taken place in Ms. DeCourcey's office, w/ Williams sitting at her desk. At this time I was watching from outside the doorway to her office.

The main thrust of Mr. Williams's argument was that Ms. DeCourcey had received a personal phone call at 11pm the night before. Mr. Williams demanded to know why her friend had called so late, and why he was calling the office phone #.

During his interrogation, Williams became quickly irate by Ms. DeCourcey's answers, and at this point Mr. Williams got up from the chair, lunged at Ms. DeCourcey, made a motion w/ his left hand to smack her, then

December 2nd, 2015 / 14:48 hrs

Michael Oliaca

0233

Michael Oljaca

Then Mr. Williams took his right hand and started choking Mrs. DeCoursey. As soon as this happened, I quickly jumped in to pull Mr. Williams off of her, and physically restrained him so he would not do any further damage.

Michael Oljaca
December 2nd, 14:48 hrs
2015

Will Williams: Fraud, Conman, Thief, Violent Criminal, Narcissistic Psychopath, & \$PLC Snitch!

Exposing Will Williams' Anti-NA & NVB Fraud, Embezzlement & Stooging for \$PLC



Williams Found Guilty of Criminal Battery of Woman in Trial Today!

|| MARCH 28, 2016MARCH 29, 2016

|| ADMIN

|| 3 COMMENTS

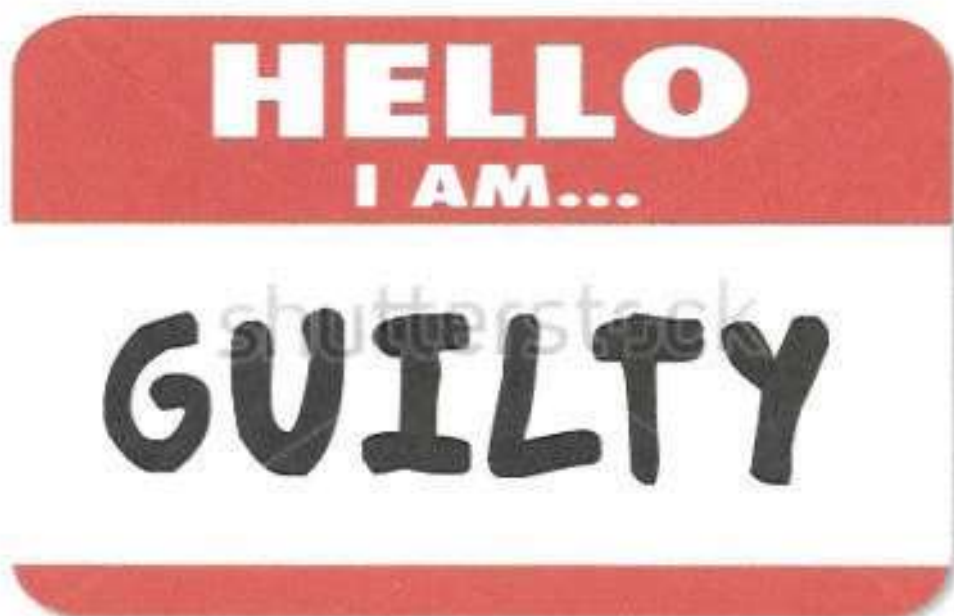
Monday March 28, 2016:
Pocahontas County WV
Magistrates Court Found
William White Williams II
GUILTY of Criminal Battery
today!

Court began 9am. Female survivor of Williams' vicious attack, assault & battery, & strangulation; & 3 witnesses were present with the truth & evidence of Williams' crimes. A Sheriffs Deputy & WV State Trooper were present as witnesses. Prosecuting attorney said it was a slam dunk case as all the evidence

of Williams committing this crime were over whelming. **The Magistrate concurred, & found Williams GUILTY!** There was a witness to the crazed attack, who had to physically intervene to stop Williams from his violent deranged criminal assault & battery, & strangling of a woman (where Williams was screaming "she knows too much", "she knows everything", "I have to shut her up for good", "fuck you get out of the way I have to finish it" etc..) Williams then was so proud of this abhorrent despicable act that he bragged about it, stated he would do again & worse. Then threatened this woman's life, & stated he "had to kill her" as "she knew too much", & "she knew the truth", "She could ruin everything" & "I have to shut her up for good" etc. There was a witness to whom they both went to immediately after who also saw the immediate injuries & then those 2 also saw the subsequent swelling, pain, difficulty, & bruising, gland & thyroid swelling & difficulty & pain w/ swallowing, ear swelling and popping due to the injuries, as well as other injuries on the body. The other witness is one of many whom Williams bragged to about the whole thing w/ great pride & relish & animation, & then to whom Williams told he wants her dead.... (there are others witnesses)

Statement from someone today 3/28/16 "All the pictures speak for themselves. His criminal trial in April seems fully prepared to convict him again. The problem for Williams is the truth. He did it, that will always be apparent to a fact finder. Good Job."

Jail sentencing hearing is scheduled for Monday April 25th, 2016. Williams' attorney wanted to bundle that sentencing for jail time for this guilty sentence hearing for his convenience for the same date as Williams' next upcoming Criminal Trial that was already scheduled that day to begin at 9am. This criminal trial is for Williams' violating the Personal Safety Order of another one of Williams victims in his never ending crime spree. **This crime was fully witnessed by 3**



William White Williams II, Guilty of Criminal Battery

people, w/ pictures, & 2 responding law enforcement officers. Williams then bragged once he was under arrest to that & other crimes. Then later a deputy is quoted in a newspaper stating Williams confessed.

Many more charges & warrants on Williams will be pending through out the year, & since Williams has no self control & is totally mentally unhinged that he just literally keeps committing crimes.

David Martin Pringle was present at the Courthouse, but just hung out in the halls giving threatening looks & "the stink eye" to the honorable quartet present who are the ones who have been trying to protect the National Alliance from Williams & his theft, embezzlement, fraud etc. These noble 4 who have great love & respect for Dr. Pierce, have been fighting to protect his name & legacy from the destruction & attacks against him from the 4 business partners & scum Williams, Gliche, Strom & Cartwright.

It was a FULLY OPEN TO THE PUBLIC TRIAL. Open to press, the public & looky-loos, **anyone could have sat in for the whole proceedings.** The whole typical court behaviour by Williams the lying drama queen w/ his grunting & growling & all his exasperated drama, & hand gestures, his having to be patted on knee & back by his attorney Detch, & sometimes pulled back down into his chair due to his volatile nutty outbursts would have been fully observed by any one in there. As it was observed by some observers, & witnesses at other hearings & trials. **YET PRINGLE DID NOT ENTER THE COURTROOM! NOT ONCE!** Did the POPE Williams decree that his new duped lackey not enter & hear the truth about him? IF Pringle was interested in truth, or even wanted to investigate what is really going on he would have been in there. He was NOT! (just like Strom aka OVID NEVER knows anything about the NA, Strom is just a basement dwelling pedophile under detainment in PA til 2022. (<https://willwilliamssplcpartnerandsnitch.wordpress.com/informative-links/>))

Pringle & all those that believe Williams' lies are pathetic sick deluded fools. They also put their-selves in great danger having anything to do w/ Williams. He is a fully declared mentally incompetent by 2 federal agencies nut w/ no self control. He is very paranoid, had delusions of grandeur, & volatility & poor impulse control. What do you expect from a lunatic who lives by "Compelling Necessity"?

IF he or anyone else had bothered to fully take us up on our many public invitations encouraging people to come & see & hear the truth, vs Williams & Stroms lies they would know what is really going on. Had he or anyone been in the court room they would have heard clear factual evidence that Williams holds NO legal titles to anything to do w/ the NA, NVB or CCC. NONE! Further he was kicked out as a member of the NA, as he is a prohibited person via ALL versions of the National Alliance Membership Handbook. They would have heard a long list of Williams' crimes & abuses against the NA, NVB, CCC & against many people.

They would have also fully heard that the FEDS are very on Williams in many investigations. That Williams fully endangers the NA, NVB, & CCC by his continual false claims he has anything to do w/ these Corporations & entities. Understand big things are in the works that Williams put into action the beginning of 2014. He then forced himself into the illegal usurpation of the NA, NVB, & CCC & now fully endangers them & all associated w/ them. These are the facts. The only way to protect the NA, NVB & CCC is to make sure that Williams

Pringle has NO excuse. He was there, HE chose NOT to go into court room for the open court trial proceedings. (kind of how Williams tells "members"/supporters who receive the Williams/Strom monthly farce NA Bulletin are told by Williams for them to NEVER go to or read WN forums. HE does not want them to see what he can not control himself from doing. And what he & his "wife" call literally his "daily work for the Alliance on Stromfront".) Now the only things Pringle will be told is Williams lies. How pathetic.. what a sucker.. WE all learned what was up w/ Williams pretty quick, bit by horrible bit.. then of course Williams in his totally deluded moments when needs his daily nap just brags & blabs about details of all his crimes, connection, stupid actions & his plans for the land.

He knows what his most damning admissions were & how he proudly told them over & over. WE know, WE ALL KNOW! THIS is BIG.. you have to understand what will be happening soon.. Williams does, some small part of him does, but is in great deluded denial.. after all.. he is The Pope. He knows what he did.. he knows.. He knows what he is so desperate to get all the attention & credit for. He has expended constant energy on this.. understand that. (BTW, Williams reading this is literally thinking of several things & can't figure out to which we refer.. that in it's self is very funny, sick, sad & revealing)

To include great detail of his plans w/ Tim Kalamaros to get alot of credit in ALL entities names, run it up, fully put all of them in debt (which he already fully has), take anything of value as HIS to TN.. then file bankruptcy.. he even stated that Tim Kalamaros got the guy they will use from a suggestion of another old long time NA attorney member, that "the arrow was out of the quiver & on the bow, ready to pull back".. Williams will then sell the land.. as a whole or his plan w/ Tim K is also to "develop" it like the street over just selling lots for camps, cabins, & homes.. all to make their bucks.. & pay off Gliebe their deal.. & Cartwright gets money too.. isn't that special..

Why would Pringle not go to TN to Williams home/compound & now **incorporated tax dodge fake "church" "Cosmotheist Alliance Church"** (<https://willwilliamssplcpartnerandsnitch.wordpress.com/informative-links/>) if he wanted to see NA, NVB, & CCC assets, property etc.. (what is left of it since Williams has sold & pocketed so much, & used on himself, his bail/bonds, his own criminal attorneys & on attorneys to use to hunt down people Williams is obsessed with). Pringle would have to go to TN demand access to every bldg & room there, & to any storage units of the many Williams has. THAT is where all NA & NVB & related entities property is, that is where all the incoming money has gone.. to Williams & upgrades to his personal property in TN. That & go to "the General Store" & other shops around the Johnson County TN & inquire about Williams & his "wife" selling things to them. This is proven & he admits too.. even stuff Williams stole from other people.. All facts.

How does Pringle expect to get paid? Williams owes all the last employees who worked on The Land \$\$\$\$thousands in pay & due to all his theft of THEIR property. They are fronted & paid for supplies to WV.. they sweat, bled, & have scars & injuries from working on the land w/ out proper tools as Williams kept stealing them all. Which Williams illegally run & usurped & improperly registered entity is Pringle an "employee" of? Did Williams tell him the NARRC case is still on going? That is was not dismissed & there are active appearances & dates for that case on the docket? How about that at the last hearing Williams was legally served & the clock is counting down on a subpoena he must legally fully comply with. Hey Pringle, WE know for a fact in EVERYTHING Williams & Cartwright have done in that case they committed perjury.

& fraud.. WE know we have all the proof.. It's OUR jobs to know all these things. Williams & Cartwright also both forged, & altered & destroyed documents for that case, & then Kalamaros who fully knew all of this submitted the forged & altered corporate documents to Williams' PERSONAL VA attorney for the NARRG case.. that is right NA the Corporate entity does NOT have the legally required attorney in the case. They also lied about things we know that do exist & said they didn't, & lied about so much more.. Kalamaros set up a delay in response because Sveta Williams' "wife" was having a hard time making the now 3rd set of books.. Illegal cooked books! So they hired "a gal" to help her so they could try to hide all the crimes against ALL entities since early 2014! These are facts.. IT'S OUR JOB TO KNOW. Did Williams tell you that due to his illegal & fraudulent actions w/ NA & NVB that they are looking at having trustees/guardians appointed to them? Did Williams tell him that he is under had core investigation by the Feds, & all comms of any sort in WV on The Land are fully monitored? All comms of any sort w/ Williams in TN & ALL comms w/ Strom in PA.. these are HARD CORE facts...

Or the fact that all their systems were also over & over again fully hard drive copies & accessed & that the Williams' paid these hackers/scammers several times to do so. W/ check by phone, credit cards, debit cards, & money orders.. yep.. "The Shaun Incident".. the whole NA database copied over & over.. all bank accounts, & credit cards accessed all compromised.. ask to see ALL the bank statements for ALL accounts & cards.. then notice ALL of them suddenly have NEW numbers.. some another time again because the Williams' are totally insane & incompetent... Which is why the US Veterans administration mandated Williams can't get his monthly (full disability, look up requirements for that) crazy checks, unless Williams has a guardian & fiduciary.. surprise it is corrupt business partner Tim Kalamaros.. you'll just love him.. sooner or later they will both be involved in blackmailing you.. that is what they do.. I stood firm.. that is why he keeps doing things to us all over & over & over.. WE KNOW ALL THE TRUTH.. He Pringle.. do you know about Williams for the only 15 months he worked at NA HQ before Dr. Pierce kicked him out in 1994? (after he only lasted about 15 months at CoTC before he was kicked out for alot of reasons.. he did you know Williams lied & scammed Klassen?? yep.. a biggy.. bigamy.. fake wedding, lived in sin on that mans land his church. See Williams admits & brags about these things.. his own words his own mouth.) Great stuff... he cause so many profound problems..

Hey Pringle, want a fact finding mission.. go to WVSP (Charleston), you know how they are all Federalized.. & ask them if you are at risk now since you fully state YOU SUPPORT WILLIAMS are NOW involved w/ Fed investigations.. go find that out... everyone else has in many ways been told this since beginning of 2015. Williams knows. Everyone on our team has been fighting like hell to have nothing to do w/ Feds.. it is Williams who will bring it on to you. Williams knows as some of his flunkies around the country have had visits by the Feds to their door because of their associations w/ Williams.. Yet Williams refuses to warn anyone that he is a stinking hot bowl of ebola/zika/aids virus infecting the NA.. Go ahead, he will lie to you.. sick isn't it when he doesn't even give someone the info to make an informed decision?!

Slimy disgusting Strom / OVID is on SF already lying about things he knows nothing of. HE is not active in NA business, never had been. WE are trying to save NA, they have already destroyed it. All the BS & literally EVERYTHING Strom/OVID writes is lies. He is a very very

sick twisted creature. There were 4 witnesses, & Williams confessed & bragged to many about what he did, to many people. The only one who ever did blackmail was Williams against ALL 4 parties on the side of truth & righteousness today.

Williams & Stroms' very disgusting base low sexual accusations & lies are a glaring look into what & how disgusting they are. This woman is very noble & virtuous. Their making any such accusations is disgusting & beyond dishonorable & deplorable. They just go to the basest thing, because THAT is where they dwell in the gutter, & that is how their sick twisted & perverted minds work. Strom & Williams also state they never heard of her before she is some jew infiltrator BS. She knew of Strom & he was calling her family home in the 80's. She also was friendly w/ his ex-wife Kirsten, she was mailed his children's birth announcements, & his wife's newsletters, & the yearly Yule cards etc. She worked in the NA studio doing voice work for ADVs @ NA HQ. (she has these things & those scripts w/ her NOW, as well as all the letters, w/ the scripts to do her Units phone message unit [even had the original contracts for that msg line & for the contract to put the video show in local access TV, & the invoices & receipts when her Unit put NA ads in the NRA's American Rifleman magazine. (Strom forgets she was friends w/ his wife Kirsten & had letters from her).

Williams was obsessed w/ this woman for years. In May/June 2015 Williams wanted a picture of her in the NA Bulletin of lies. She said NO. So Williams said he had alot of sketches, paintings, charcoal, chalk & pastel drawings of her & he would use 1 of those. When Williams went digging through his secret stash his "wife" was very puzzled why he has so many things drawn by him of her. She kept asking & asking & hard to explain isn't it? He has them because he was obsessed w/ her for years, & when people took pictures of her at NA meetings or events, Williams asked them to provide HIM w/ a copy & to mail it to him. (from these pictures & others he made portraits). One of his many files w/ pics of her was found in the NA bldg by this woman w/ one of Williams' stashes of photos & even letters from senders saying "wink wink" "here is the copy of picture you requested" or I made you a special 5x7 enjoy, etc.

Why was this file still @ NA HQ in WV?.. because when Williams expediently fired & kicked out the NA gates by Dr. Pierce in 1994 (for MANY very interesting reasons of which WE know, fully as were w/ Dr. Pierce during that time.) Williams' things were abandoned & stored in the bldg ALL these years.. (she knows who cleaned out the Farm House he was kicked out of. And knows who removed his fleeing wife, & who guarded her & her young daughters' hotel room? She knows how & why the truck was left where it was. In several boxes found in the NA HQ bldg in 2015 that were from Williams' boxed up office space (which Williams never had access to again since 1994) were his birth certificate, his original military DD214, land deeds, letters, & more files of photos. Know one just leave that kind of stuff behind by choice. In fact the Military orders you to keep your DD214. (She knows WHO packed THOSE boxes also. All these years people know what she knows of what was in there.)

2014 When Williams trespassed & drilled out the locks & destroyed Corporate property, & stole alot of Dr. Pierce's personal property, Gliche's personal property, NA, NVB corporate property & filled trucks & just ravaged NA HQ & took it all to his home compound in TN. Grand Larceny several times over, & petty larceny also for other things. Williams admits he sold alot of these things also (Williams also sold many things people stored @ NA HQ, as Williams told us, & took things. Have pictures of him loading things in the black NA truck Williams must return ASAP to the Legal Directors. AS Williams used NA funds \$10,500 cash in 0240
\$100 bills in Dec. 2014 to buy that truck from Tilden and store in TN (see home address)

Williams also stole what was left of Dr. Pierce's guns (those that were left after Gliebe sold all the others to Cartwright's family [to which this blog was given full details of & who all the witness were for that whole process) in 2014. **Williams was DESPERATE to get at HIS personnel & complaint files. Many people know why. (lots of people know this. Williams also has alot of very damning files on Strom.. get it?)**

This woman HAS her old NA Unit Coordinator files in her possession now, & in it are 2 unsolicited & shocking out-of-the-blue letter / marriage proposals from Williams to her. (Williams stalked & drove away many female NA members). After she tried to explain 1) she had no interest in him at all, & 2) That it was inappropriate given her work for NA & Dr. Pierce to get mixed up in any relationship that could harm working relationships w/ coworkers, or damage "friendship, 3) Dr. Pierce was already looking out for exceptional intellectual leadership stock for her (as wanted to create a leadership couple). Williams was NEVER in the running (nor EVER mentioned, but Williams did interfere w/ Dr. Pierce's orders & did NOT send her the NA files for those he wanted her to review. Williams was interfering yet again w/ Dr. Pierce's running things. (like the fact that it was Williams that spread & started ALL the Strom rumors from as soon as he came to the NA in last 92. This is such a well know fact it is beyond any denial. He still calls Kevin "the little shit" we all hear him, this is how he refers to him); then Williams began to stalk her. She put up w/ it for a long time as didn't want to have Pierce lose a worker drone/grunt which is what Bill used Williams as. Finally it got so bad that her #1 contacted Dr. Pierce, & then Dr. Pierce had her come up w/ WV for a talk to get to the bottom of things & see if she needed protection. Dr. Pierce & her were both into genealogy & found out they were related. They shared files, records, & she brought up photo albums & he shared his & those of his children, brother & mother. She had many nice visits w/ Bill & Sue on her many visits to The Land.

So many of you are drinking at the spewing fountain of poisoned Williams & Strom Kool-Aid (even Gliebe was shocked so many are falling for their lies & garbage)

We will have many guest writers who are working on their own articles on Williams et al & their facts, truth & evidence.. who will be put up as soon as they compile how & what they want to share.

We are: "A Beacon of TRUTH for Patriotic Americans and for Patriots of our Western Civilization Around the World" (<https://youtu.be/kZYpKtnyv-Q>)

May 4th, 2016

#2644

Bob DeMarais

Member



Join Date: Feb 2005

Posts: 396

Quote:

Originally Posted by **John Adams**

Bob, take a deeper look into those supporting Williams on SF. ... Walter Fairchild ... supports ... NSM, led by a known criminal race traitor that abandoned his White children and lived with a half breed arab bitch that has a nigger child; Jeff Schoepp fed, clothed and raised a fucking nigger while fucking its non white mother.

Bob, you are stuck in the middle of 2 groups of informers, Williams on one side, Dilloway on the other, both speak to SPLC and both are only interested in causing problems.

Walk away Bob, I have never heard of you before and have nothing against you, but the NA is dead already, let it go. ... neither side can be trusted and anyone who backs either side should be considered suspect.

Ask yourself this question Bob, why would ... Walter ... also defend Williams and his child stalking friend Strom...

Then ask him (Dilloway) why his CNK friends Tina Greco (Silverfern) and David Alexander asked me to execute his Australian mate, lol, Patrick O'Sullivan, which I refused to do, ... You are being played Bob, get out now.

I can't get out. I live here next to the W. Va. National Alliance HQ. I moved here 20 years ago (almost the day) to work for Dr. Pierce. I built a nice house here in 1996; since then I have added four first-class out buildings.

In 2004, Walker, Gliebe, Strom, Pringle, Ring and etcetera launched a three year legal (and extra-legal) assault to evict me and steal my home. Then these hyenas went for each other's throats.

Since Dr. Pierce died, the NA HQ has been a flophouse for lazy movement losers like Erich Gliebe, Shaun

Walker, Will Williams, and those that they attract.

Williams' is a bully. When Williams started trying to bully me back in 2014, I just ignored him, and it worked. Then in August 2015, it became apparent that he was a dangerous megalomaniac who also talked about getting someone to "execute" his enemies, Dilloway and Covington. Then Williams added a woman to his enemies list.

Don Black's, famous quote is that "Williams just like to fight." Black couldn't be more wrong. Williams lives to bully, successfully. If Williams bullies someone successfully, he ties more extreme bully on the same person. It gets worse and worse; sometimes it gets violent. Unsuccessful bullying ends in a fight.

Williams bullied his employees and supporters. They let Williams get away with his escalating bullying, because they were loyal to the National Alliance and its cause. But when they realized that Williams' bullying was just one facet of Williams totally ineffective and incompetent leadership, they walked away.

I'm prepared to fight Williams' wrongs for 11 years and two months. He and I will both be over 80 then. Eighty is no fun. At 80 years, it's hard to walk, hard to sleep, hard go to the bathroom, hard to get up and down stairs, hard to put on your pants, and even hard to get out of bed.

I've got more money than Wee Willie, more brains, more endurance, and I work one heck of a lot harder. To paraphrase John Wayne's *The Shootist*: "I won't be wronged. I won't be bullied."

+6

May 5th, 2016

2646

Bob DeMarais

Member



John, Dilloway lived 100 yards from me; he was a good neighbor. Now Dilloway lives in some place, probably far from me. He is relatively irrelevant to me.

Will Williams is a convicted criminal who to tried to choke a woman. Williams lives way over 100 miles from me and has been a bad neighbor even at that great distance. Williams makes himself relevant.

Join Date: Feb 2005
Posts: 396

The SPLC is irrelevant to me. The SPLC is a fake caped crusader that lives off pretending to expose freaks who have already exposed themselves. Williams and Kevin Alfred Strom are examples. It's common knowledge that the SPLC has a symbiotic relationship the movement. VNN, Stromfront, etc. gain when the SPLC "exposes" them.

Williams ties to gains by claiming his enemies are being paid by the SPLC.

I only pointed out Williams' incestuous relationship with the SPLC to (1) show how hypocritical Williams is and (2) because there a few people who think the SPLC is the boogleman.

As far as me getting fleas, I could care less what my reputation is among movement people. Insults bounce off me like bullets bounce off Captain Marvel.

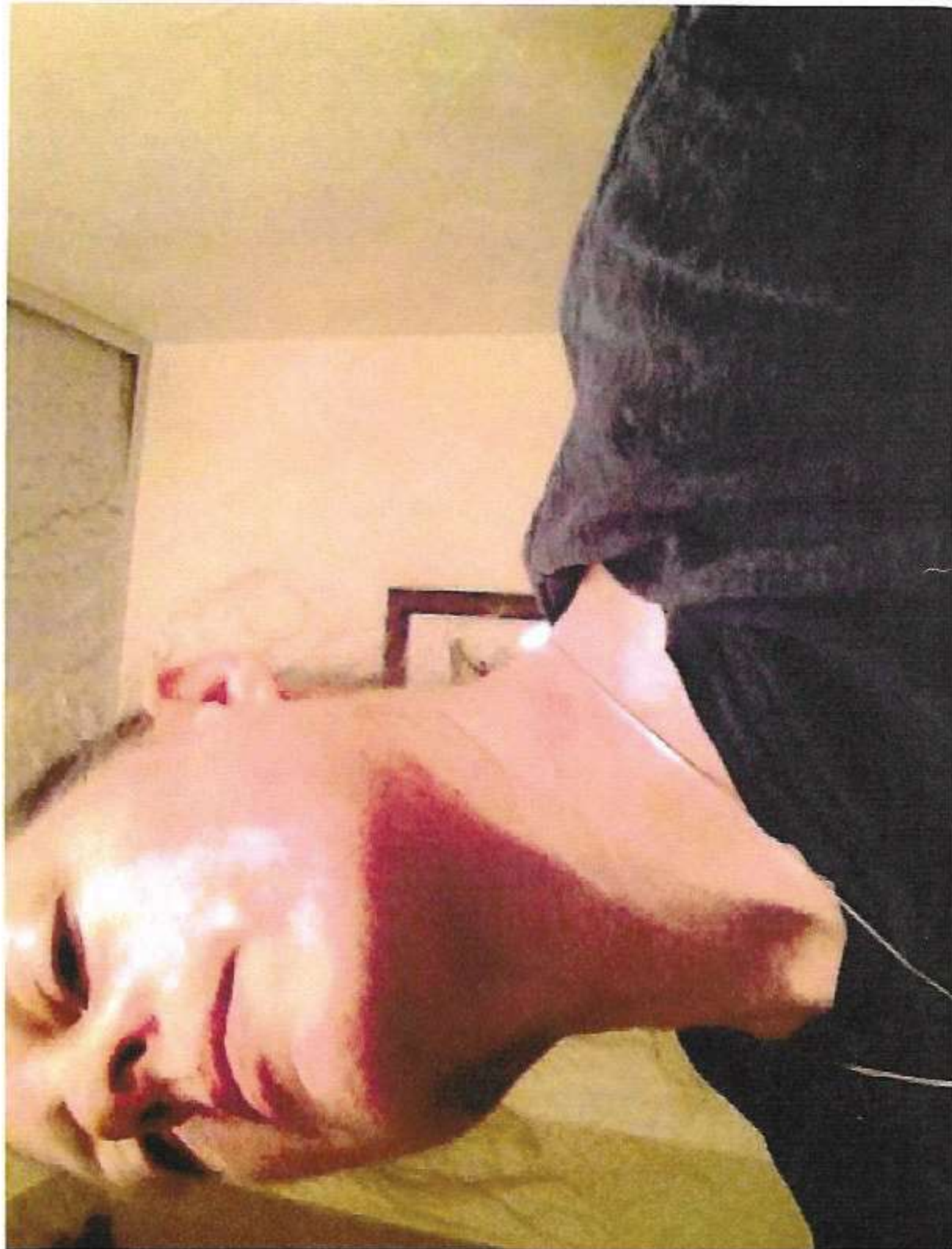
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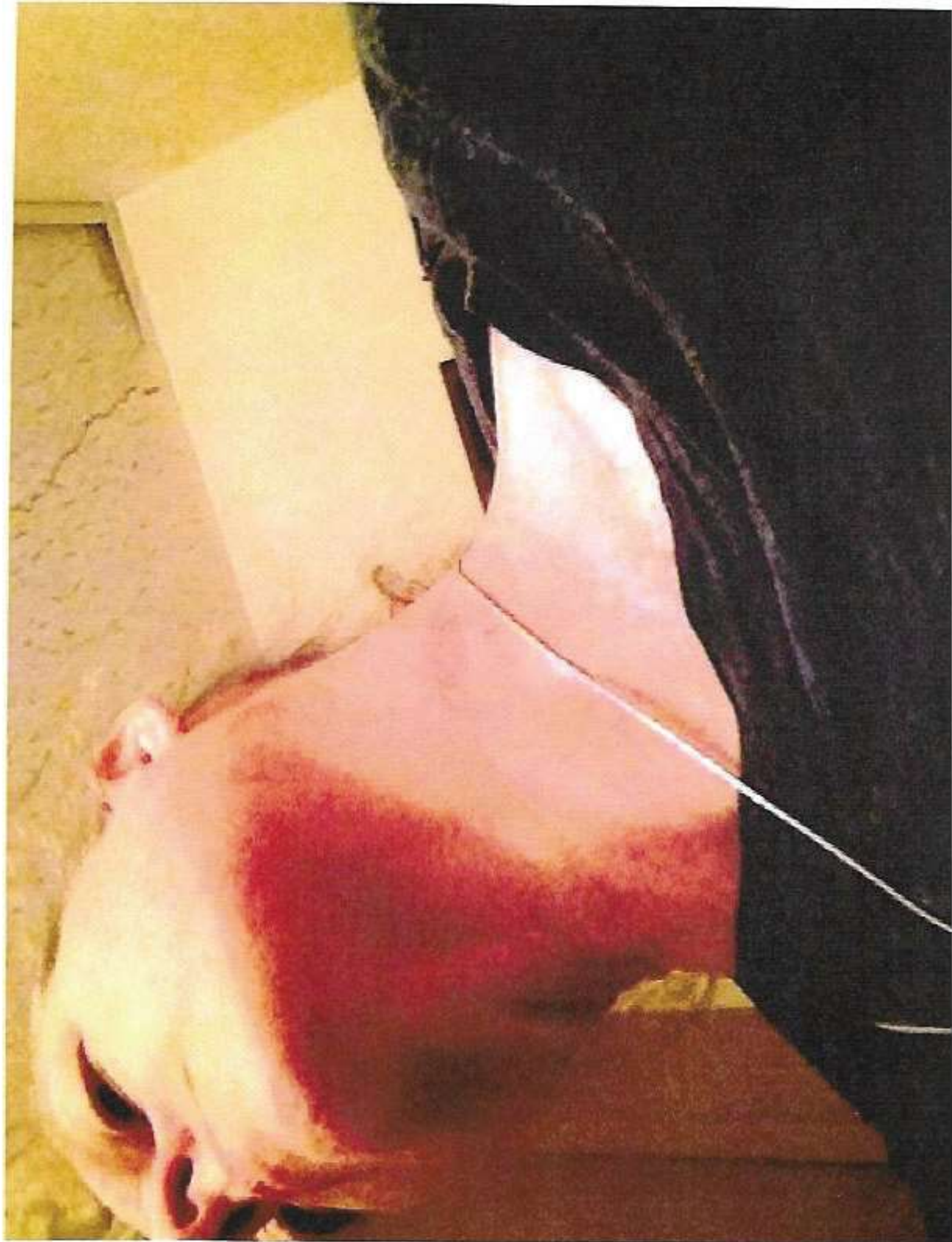


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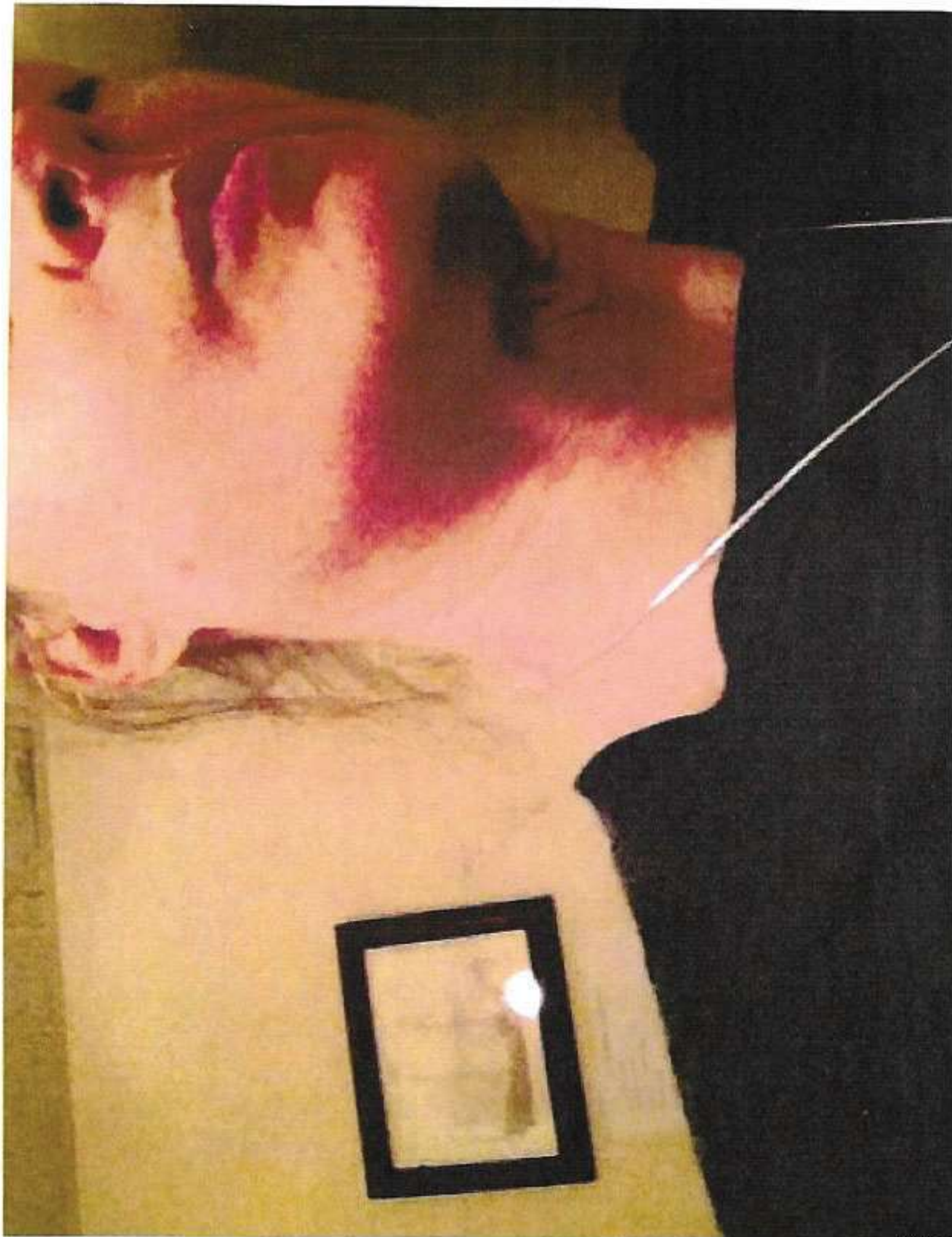








0259



----- Forwarded message -----

From: Michael Oljaca [REDACTED]@gmail.com>

Date: Sun, Sep 4, 2016 at 5:56 AM

Subject: Fwd: Email from WWW

To: Will Williams [REDACTED]@gmail.com>

CONFIDENTIAL: I ask you to PLEASE DO NOT SHARE to anyone or on forums

Will: This is Michael Oljaca, I've reviewed some of the communications you've had with my brother from the past couple of months.

The year 2016 has certainly been the worst year of my life; chalk full of mistakes and bad decisions on my part. I regret filing a civil suit against NA and other entities. I was out of my element and did not know what i was doing. I am not experienced with lawsuits and had no idea the amount of time they can drag on.

You mention Pringle. Since Pringle has come to the mountain in May, i have feared for my life on a daily basis. He has discharged firearms on a weekly basis and I've had to plan my trips to Bob's house for safety reasons when i know he's not watching. Whenever he happens to see me walk to Bob's house, he yells more derogatory things at me. Just last week he was yelling outside the gatehouse to "kill myself" over and over. This is just simple harassment to make my life a living hell; I am not sure if you put him up to this or not, but it's a frightening situation to have a man screaming insults outside your home. Not only that he has yelled extremely vulgar epithets towards Bob and Mr Sims outside their homes on the same night..

In any event, I've been scared to death about having to return to WV to the gatehouse with no water or electricity, and with a hostile pringle just around the corner, ready to yell slurs at me.

I have been in New York since Wednesday to take care of things here, but I've told Bob and Gael i would return a little before October 26th, but again I've had high anxiety and heart palpitations at the thought of returning in a couple months time... and i highly doubt i will be ready to do that, my health has been rapidly deteriorating..i have been unable to sleep or eat since returning back. Since being in the gatehouse I've lost 40 pounds and have not been able to eat well at all. I've been depressed and have barely been able to function living there.

One more thing i need to clarify, which is just as important--- I have never had any sexual relationship with Garland ever. If i ever said something to you in the past to give you that impression, it just simply wasn't the case. SHe is not my girlfriend, and i am not her lover by any stretch of the imagination. Never had that type of romantic relationship with her ever. It just isn't and never was so. She was not into me, and nor I into her. I just desperately want to be done with this nightmare that has unfolded.

If Bob and Gael find out i have written to you, there is no telling what they would want to do to me, i shudder when i think about that.

I want to drop this lawsuit, i don't have the stamina or the patience to continue with it.

Michael

0263

----- Forwarded message -----

From: Will Williams [REDACTED]@gmail.com>
Date: Sun, Sep 4, 2016 at 8:53 PM
Subject: Re: Email from WWW
To: Michael Oljaca [REDACTED]@gmail.com>

Thank you for writing, Michael. I understand your conflict and will work with you to do what is best for you and for the National Alliance. You will go a long way towards helping by dropping those frivolous lawsuits filed by Kris Faerber. Those lawsuits and John's will be no more successful than was NARRG's. They all simply waste precious funds for lawyers that could be going to Alliance-building.

I instructed Pringle to have no communication whatsoever with you or Garland or Bob, but understand his frustration with you, occupying the house he and Lara Lee are supposed to be living in, videotaping and photographing them. It's disappointing to learn that David yelled at David Sims, who is caught in the middle of something simply for being our neighbor who is friendly with long time neighbor Bob and somewhat dependent on him.

It's best for the National Alliance if you'll write a notarized letter, addressed to the Pocahontas County, WV, Circuit Court, officially withdrawing the four civil lawsuits and surrendering all claim to the National Alliance's gatehouse.

The letter should also admit that you are neither a Director on the NA Board of Directors nor Chief of Staff of the NA, as Garland Corse -- not Gael Dempsey -- keeps claiming, here, and elsewhere: <https://willwilliamssplcpartnerandsnitch.wordpress.com/2016/07/27/execute-director-of-the-boards-sues-to-save-the-national-alliance-from-williams-illegal-usurpation-crimes-fraud-and-irreparable-damage-a-noble-and-valiant-victory-is-foreseeable-as-the-light/> **and that there was never a NA board meeting authorizing you and Garland to take my two sets of keys from my truck and two cases of books on 16 December, 2015, and to not allow me on the property -- or that "Executive Director" McLaughlin was then appointed to take over the Chairmanship of the National**

Alliance. That is an insanely convoluted coup plot hatched by Garland and she has used and abused you and John to try to accomplish it. Bob, too. He claims he gave Faerber the \$4,000 retainer to stay the orders to vacate the gatehouse and turn over all stolen keys back to me, then file the four civil suits. She has had all of you on a fools' errand.

You should say that the HP stand alone computer and the telephone system belongs to the NA and not to "Executive Director" McLaughlin or to his "Executive Administrative Assistant" and "Legal Liaison" Garland Corse.

You should also include in this letter that you will not testify against me in the assault case, that your memory is not clear as to what happened during the altercation between me and Garland on 9/30/15 and that Garland coached you as she did John on how to testify for the prosecution.

Do this, Michael, and I'll see that you are absolved from any and all liability in the "feud" between the National Alliance and Garland, Bob and John, et

al. You have nothing whatsoever to fear from those three as long as you are in New York.

Our WV attorney, Laura Finch, will help you perfect your letter and deal with Faerber for you, then present it to the Pocahontas Circuit Court.

You should stay away from Pocahontas County, West Virginia, regain your health, relieve unnecessary stress on your family, and go about rebuilding your life.

0265

I apologize to you for any stress I have caused you while fighting off all of these legal challenges and criminal charges.

Sincerely,

Will

0266

IN THE CIRCUIT COURT OF POCAHONTAS COUNTY, WEST VIRGINIA
STATE OF WEST VIRGINIA,

Plaintiff,

vs.

Criminal Action No. 16-M-AP-01(D)

WILLIAM WHITE WILLIAMS II,

Defendant.

ORDER

On this the 14th day of August, 2018, came the State of West Virginia (hereinafter the "State"), by counsel, Patrick I. Via, Special Prosecutor for Pocahontas County, West Virginia, and came the Defendant, William White Williams II. in person, and by counsel, Laura M. Finch, before the Court for a bench trial in the above-captioned matter.

Counsel for the parties proceeded to advise the Court that each waived opening statements and that each was prepared to commence the evidentiary presentation to the Court.

The State presented its case-in-chief by calling two (2) witnesses to testify, To-Wit: Garland DeCoursy and Robert DeMarais, and by the introduction of numerous exhibits that were admitted into evidence. The State thereafter rested its case.

The Court thereafter heard arguments from counsel with respect to the defense Motion for Acquittal, and after due consideration of the evidence presented by the State and the arguments of counsel, and for all those reasons set out upon the record, the Court did **DENY** said motion.

The Defendant did thereafter present his case to the Court by calling three (3) witnesses to testify, To-Wit: Trooper D. M. Brock, Svetlana Williams and the Defendant, William White Williams, who was first advised by the Court of his constitutional rights against self-

POCAHONTAS COUNTY
CIRCUIT/FAMILY COURT
RECEIVED 8-16-18
By: AMC

incrimination and the right to remain silent. The Defendant also introduced numerous exhibits that were admitted into evidence. Thereafter, the Defendant rested his case.

The State offered no rebuttal evidence.

Thereafter, the Court proceeded to hear closing arguments from the counsel for the State and the Defendant, and did further undertake to review and consider the evidence submitted in this matter. After due consideration of all the evidence presented in this matter from the State and from the Defendant, and the arguments of counsel, and pursuant to all the reasons set forth upon the record, the Court does hereby **ADJUDGE, ORDER and DECREE** as follows:

1. The Defendant is hereby found by the Court to be guilty of the misdemeanor offense of Battery as charged in this matter; and,

2. The Defendant shall be, and is hereby adjudicated guilty of the misdemeanor offense of Battery; and,

3. The Defendant shall be permitted to remain on his previously posted bond with the following additional specific conditions:

a. The Defendant shall not post any material upon any internet site containing reference to the victim in this matter, Garland DeCoursy, or members of her family;

b. The Defendant shall have no contact of any kind with the victim in this matter, Garland DeCoursy.

4. The Defendant shall be permitted to leave the State of West Virginia to reside in the State of Tennessee; and,


5. The Probation Office of this Court shall prepare a Pre-Sentence Investigation Report in this matter; and,

6. A sentencing hearing will be held before the Court on **October 10, 2018, at 10:00**

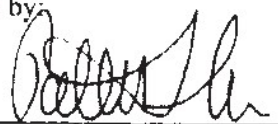
o'clock a. m.

The Clerk of the Court is directed to provide a copy of this Order to Patrick I. Via, Special Prosecutor of Pocahontas County, West Virginia, and to Laura M. Finch, counsel for the Defendant, *and to the Probation Department.*

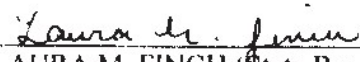
Entered this 15th day of August, 2018.


JENNIFER P. DENT
Chief Judge of the Circuit Court of
Pocahontas County, West Virginia

Prepared by:


PATRICK I. VIA, State Bar No. 6388
Pocahontas County Special Prosecuting Attorney
Post Office Box 911
Lewisburg, West Virginia 24901
(304) 647-6616

Approved as to form by:


LAURA M. FINCH (State Bar No. 12094)
820 10th Avenue
Marlinton, WV 24954



**SUPREME COURT OF APPEALS OF
WEST VIRGINIA**

Division of Probation Services

PRE-SENTENCE INVESTIGATION REPORT

Pocahontas County, 11th Judicial Circuit, Jennifer P. Dent, Judge



NAME: William White Williams, II

DATE: September 27, 2018

MAILING ADDRESS:
[REDACTED]

DOCKET NUMBER: 16-M-AP-01(D)

Mt. City, TN 37683

OFFENSE/CODE SECTION:

Count 1: Battery (61-2-9(c)).

AGE: 71 **DOB:** 5/8/1947

SEX: M **RACE:** W

HT: 6'0" **WT.:** 205

HAIR: Grey **EYES:** Blue

VERDICT AND DATE: August 14, 2018

The Defendant was found guilty by way of a Bench Trial of the offense of Battery. The case was referred to the Probation Department for completion of a Presentence Investigation Report and scheduled for sentencing on October 10, 2018, at 10:00 a.m.

SOCIAL SECURITY NUMBER:
[REDACTED]

CUSTODIAL STATUS:

Bond

EDUCATION:

HS Diploma / Some College

EMPLOYMENT:

Disability

JAIL TIME:

TVRJ: 2 Days

MARITAL STATUS:

Married

DETAINERS/CHARGES PENDING:

None Known

DEPENDENTS:

None

SPECIAL PROSECUTING ATTORNEY:

Patrick I. Via

TELEPHONE NUMBERS:

HOME: [REDACTED]

SENTENCING JUDGE:

Jennifer P. Dent

CODEFENDANTS:

None

DEFENSE COUNSEL:

Laura M. Finch

PROBATION OFFICER:

Robert L. Tooze

A. PRESENT LEGAL SITUATION

On March 28, 2016, the Defendant was found guilty, by way of a Bench Trial in the Magistrate Court of Pocahontas County, to the offense of Battery. On April 25, 2016, the Defendant was sentenced to the Regional Jail of this State for a period of 6 months, and ordered to pay \$165.25 in Court Costs. The Defendant was given two (2) days credit for time served in the Regional Jail Authority. On April 25, 2016 a Notice of Appeal was filed in the Magistrate Court by the Defendant and his attorney, Paul S. Detch.

On August 14, 2018, the Defendant, with his attorney, Laura M. Finch, appeared before the Honorable Jennifer P. Dent for a Bench Trial, on the Appeal from Magistrate Court, in the Circuit Court of Pocahontas County. Following the arguments and evidence submitted by both the Defendant and the State, the Court found the Defendant guilty of the misdemeanor offense of Battery. The case was referred to the Probation Department for completion of a Presentence Investigation Report and scheduled for sentencing on October 10, 2018, at 10:00 a.m.

B. OFFICIAL VERSION OF THE OFFENSE

See the attached Criminal Complaint, Bench Trial Ruling, Notice of Appeal, Bench Trial Hearing Ruling on the Appeal, and Official Sentiment of B. L. Kelly.

C. DEFENDANT'S VERSION OF THE OFFENSE

The Defendant was given the opportunity to make a written statement of his version of the offense. See the attached statement which includes an attachment submitted by the Defendant.

D. CO-DEFENDANT'S VERSION OF THE OFFENSE

None

E. VICTIM'S VERSION/VICTIM IMPACT STATEMENT

A victim impact statement was sent to the victim, Ms. Garland DeCourcy, informing her of her rights and of the Defendant's sentencing date. If a victim impact statement is received prior to sentencing it will appended hereto.

F. GENERAL RISKS AND NEEDS SUBCOMPONENTS

CRIMINAL AND DISPOSTION HISTORY

Juvenile Delinquency History

The Defendant denied any involvement in the Juvenile Justice System.

Adult Arrest/Criminal History

04/25/2015 Protective Order – Violation Not Guilty

The Defendant reported the aforementioned charge prior to this Officer's review of the Defendant's criminal background check. The Defendant reported that his Tennessee driver's license is valid.

EDUCATION AND EMPLOYMENT

Education

The Defendant graduated from Needham Broughton High School in Raleigh, North Carolina, in 1966. He reported receiving "average" grades. He reported being suspended for "cutting classes, and smoking on grounds." Additionally, the Defendant attended North Carolina State University on and off from 1970 to 1976. While at this University he studied architecture. From 1985 to 1986 he attended Appalachian State University where he studied Art. He denied obtaining a diploma from either school, but rather he was taking classes for his own personal gain.

Employment

William Pierce	WV	January 1992 to December 1993	Membership Coordinator
Ken Klassen	NC	April 1988 to September 1989	Paper Editor/Executive Officer

In addition to the aforementioned information, the Defendant reported that he was a contractor and architect throughout the 1970's and 1980's. In 1985, the Defendant left the construction field and became a "starving artist." He reported that his change in employment was due to a "run-in" with the Internal Revenue Service.

Economic Status

Monthly Income: \$4,316.00
Monthly Debt: \$750.00 Utilities

The Defendant reported that he owns his home in Tennessee valued at \$400,000.00. He reported owning three (3) vehicles with a combined value of \$40,000.00. Additionally, he reported having a savings account with a value of \$55,000.00. He denied any debt at this time. The Defendant reported that his income is from SSI and VA disability. The Defendant reported selling a significant portion of property in Mill Point, West Virginia, prior to meeting with this Officer for the Presentence Interview.

Military

The Defendant served in the United States ARMY from 1966 to 1970. He reported serving two tours in Vietnam with the 5th Special Forces Group. He achieved the rank of Captain and was Honorably Discharged. Following his period of active duty service, he spent "a couple" of years in the ARMY Reserves.

FAMILY AND MARITAL STATUS

Family

Father:	Crawford Williams	Deceased 2003		
Mother:	Jean Williams	Deceased 2014		
Sibling:	Jim Williams	Age: 74	Wake Co, NC	Retired
	Ward Williams	Age: 68	Wake Co, NC	Retired

The Defendant reported being born in Oxford, North Carolina where his family resided until he was five. At the age of five, the Defendant's family moved to Raleigh, North Carolina. His family resided in "a track neighborhood." The Defendant's father sold insurance and was also a horse breeder. His mother was a housewife, secretary, and accountant. The Defendant reported having a "pretty much a normal boy childhood." Throughout his childhood, his parents consumed alcohol, however, both quit and joined AA. The Defendant reported joining the United States ARMY following his High School graduation. Following his discharge he began work as a construction worker in which he eventually ran his own business. He reported that he would buy land, sell it to individuals and then design and build homes for these individuals. In 1985 he ceased construction work and became a "starving artist" following a "run-in" with the IRS.

Wife: Svetlana Williams Age: 48 Tennessee Married 8/20/2003

The Defendant reported that he and his wife met through an online posting. He visited Siberia on several occasions prior to their marriage. He reported that they wed in Siberia and in the United States. He reported having a strong marriage that was tested approximately two years ago when his wife had several miscarriages.

Ex-Wife: Albina Williams 1992 to 1993

The Defendant reported that their marriage ended due to irreconcilable differences. When asked to expand on this statement he stated, "She's Russian. She was too fancy for me." He continued by informing this Officer that following their divorce Albina Williams moved to Florida where she married a doctor. He reported that he met Albina Williams through a newspaper article.

Ex-Wife: Lucinda Williams 1988 to 1989

The Defendant reported that he and Lucinda Williams' marriage ended in a "mutual" divorce. Additionally, he reported that they remain friends to this day.

LEISURE AND RECREATION

The Defendant reported that he enjoys working around his "homestead", and doing volunteer work at his church, the Cosmotheist Church, where he is a trustee. He enjoys painting portraits, and carpentry work. Additionally, he reported being the Chairman of the National Alliance.

COMPANIONS

The Defendant reported that he spends the majority of his time with his wife. He denied having any close friendships that he spends a significant amount of time with. He reported that some of his acquaintances have "probably" been arrested or in trouble with the law, but he has not asked.

ALCOHOL/DRUG PROBLEM

Substance Use

The Defendant began consuming alcohol in high school. His consumption of alcohol continued throughout his time in the US Army as well as his college years. He reportedly ceased his use of alcohol and cigarettes in 1976. The Defendant reported that he does not drink "often." Additionally stating, "It's not in our routine." He reportedly used marijuana on the weekends while in college. Additionally, he reportedly tried cocaine "a couple of times."

Mental Health

The Defendant reported being diagnosed with Post Traumatic Stress Disorder by the Veterans Affairs between 1996 and 1998. He receives Veterans Affairs Compensation for this diagnosis.

Medical

The Defendant reported having both of his feet operated on for plantar fasciitis. Additionally, he suffers from neuropathy.

PRO-CRIMINAL ATTITUDE AND/OR ORIENTATION

The Defendant reported that his actions on September 30, 2015, were in self-defense. He reported that the victim charged him, and he stopped her from making contact with his person. The Defendant's full statement will be appended to this report.

ANTI-SOCIAL PATTERN

None Noted

FUTURE PLANS AND GOALS

The Defendant reported that he would like to build a library for the National Alliance from books that he obtained from William Pierce's personal library. Additionally, he reported that he would like to continue "improving property in Tennessee."

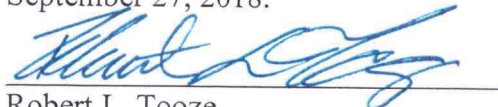
SENTENCING OPTIONS

Battery

- 1) Determinate sentence of not more than twelve (12) months in the regional jail.
- 2) Home Incarceration as an alternative sentence to jail for a period as listed above with electronic monitoring.
- 3) Suspended jail/prison sentence as listed above and placed on straight probation of up to a maximum (7) years term.
- 4) Fined not more than \$500.00 with or without jail.

Distribution List: Original – COURT
Copies to: PROSECUTING ATTORNEY
DEFENSE COUNSEL
DEFENDANT

I affirm that this Pre-Sentence Investigation Report was delivered to the above listed persons on September 27, 2018.



Robert L. Tooze
Probation Officer

CHARGES ON WILLIAM WILLIAMS
IN POCAHONTAS COUNTY MAGISTRATE COURT

12/21/15: Violation of Personal Safety Order – 1st Offense. No Guilty Plea 12/21/15. Not Guilty Verdict 4/25/16.

09/30/15: Battery Upon Another by Making Physical Contact with Force Capable of Causing Pain or Injury. Not Guilty Plea 12/21/15. Guilty Verdict 3/28/16. Court Costs and Fine.

OFFICIAL SENTIMENT

PLEASE REPLY TO:

Tonya L. Hoover
Probation Officer
P. O. Box 28
Lewisburg, WV 24901

X Robert L. Tooze
Probation Officer
P. O. Box 28
Lewisburg, WV 24901

NAME OF DEFENDANT:

~~Deputy Brandon Kelly~~

William Williams

OFFENSE:

Battery

CIRCUIT COURT CASE NUMBER:

16-M-AP-01(D)

MAGISTRATE COURT CASE NUMBER:

SENTENCING DATE:

October 10, 2018 at 10:00 a.m.

1. Was the applicant under the influence of drugs or alcohol at the time of the crime?
Yes _____ No X Uncertain _____
2. Have you had any previous legal difficulties with this applicant?
Yes _____ No X
3. In your opinion, is the applicant of good character?
Yes X No _____
4. In your opinion, would this person be a good candidate for
Probation? Yes X No _____
Home Incarceration? Yes _____ No X

Additional Comments or Explanations:

B.L. Kelly
Title/Name (please print)

[Signature]
Signature

8-22-18
Date

Mrs. Lana Williams
[REDACTED] Rd.
Mountain City, Tennessee 37683
Phone/fax: (423)727-[REDACTED], cell: (423)[REDACTED]
e-mail: [REDACTED]

17 September, 2018

Mr. Robert Tooze
Greenbrier County Probation Department
200 N Court St, Lewisburg, WV 24901

Dear Mr. Tooze,

As far as I understand, you are supposed to speak with Will Williams' family members, friends, neighbors. I am his wife and his closest family member. You are welcome to call me, but I decided to write you since my English writing is much better than my English speaking.

I am attaching the picture of Will and me that was taken a couple of years ago. Will and I have been happily married for over 15 years. I consider meeting and marrying Will the biggest luck of my life. Will is an amazingly decent and honest person, great friend and neighbor, perfect husband and a true gentleman who is *not* capable to assault a woman.

I consider Will's guilty verdict a judicial error. In fact, Will and I are the true victims of the accuser Garland DeCourcy who is a professional scam artist with the history of legal system abuse.

Besides smearing Will and me with the dirtiest "out of blue" lies all over the Internet she has done huge work in three failed coup attempts, using civil lawsuits to try and oust Will as Chairman of National Alliance. I am Will's main assistant and can confirm how many times DeCourcy abused legal system in attempt to get in charge of National Alliance assets. So can National Alliance Corporate Attorney in Virginia Andy Bury who successfully defended against the two lawsuits against NA in Virginia. Nothing about the coup attempts was admitted in the battery trials though they clearly show DeCourcy's motives to accuse Will of battery.

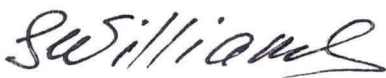
I hope Will's clean records and testimonies of his neighbors and friends will help to somehow correct the judicial error.

Will is not only good, law obeying citizen, he was a hero of Vietnam War. He became Army volunteer in high school and got his Special Forces Captain rank as soon as he turned 22 year old.

This letter is 100% my initiative and my words.

Thank you for your time and consideration, Mr. Tooze!

Sincerely,



Svetlana Williams



VICTIM IMPACT STATEMENT

NAME: Garland DeCourcy
ADDRESS: P.O. Box 505 Hillsboro, WV 24946-0505
PHONE: 304-653-4593

Q: Do you wish to appear before the Court to make an oral statement?

A: YES. Already spoke to Probation Officer Tooze on the phone and stated that also.

Q: Do you wish to make a written statement to the Probation Officer in charge of this case?

A: YES. And I spoke to him on the phone to try to set up an interview, & had questions about my personal safety. I also made him aware that Williams has prior published things prohibited by Courts, & in violation of Orders, Seals, & would likely make anything I send in fully public to further harm me, & incite others to do harm to me, as he has well documented done in the past.

Q: Did you suffer any economic loss as a result of the crime: example: loss of property, damage to your property, etc?

A: YES. Convict/Defendant Williams seized all corporate funds, accounts, assets, income and the Corporate/Entity Boards were unable to pay me. Williams had been removed via Board meetings 8/1/2015 but continued to act illegally. The Board of the Virginia Corporation sued in VA Circuit Court to try to protect the Entities, & Boards, Associates from Williams' crimes, and physical abuse, threats to property and life he and members of his personal criminal gang/domestic terrorists were causing/making.

Williams and his criminal gang associates committed intimidation/obstruction, attempted blackmail, fraud and grand larceny against me Sat 10/31/15. Stealing \$ 10s of thousand of dollars of my personal property, and my most personal papers, photo albums, family heirlooms, possessions, evidence against him (in State and Federal crimes/murders/paid murder for hire contracts etc), & priceless family heirlooms. This was his phase 2 of blackmail/intimidation/coercion against me, in which he also did commit more continual crimes & he did personally through fraud sign & enter me into a financial contract in Greenbrier County for 2 storage units he was holding some of my property hostage, while he took others across State lines back to his home in TN. William's also lied to the owner Mr. McCutchen and told him he/Williams was my ex husband and was helping me out, to be able to initiate this illegal contract/fraud. On this criminal act/fraudulent contract Williams gave false contact information for myself to include false address, false phone number so the owner would have no way of contacting me about my possessions or their disposal should Williams fail to pay to this \$120 a dollar a month contract Williams through criminal acts fraudulently illegally entered me into. Williams of course never gave me a copy of this contract nor knowledge of where he had taken all my property he had stolen. Email evidence between Williams and others, others who Williams was in contact with relaying information to me, & further evidenced this was blackmail/coercion to in phase 2 try to intimidate/coerce/force me to under duress /fear sign a contract that was fraudulent and only benefited him, caused me harm and liabilities and demanded that I NOT report his crimes, that I not testify against him, that I not work w/ any state or federal law enforcement or courts, or watch dog groups, media, or other organizations, & that I never use his name, or disclose the information he knew I knew & came to know about his many crimes/acts of terror/paid murder for hire contracts/embezzlement/fraud/scams, his fraud upon courts/perjuries/submitting and creating/editing false documents, & withholding documents in courts that were in his possession, & major tax fraud in States & w/ IRS for himself, his wife & many Entities connected to him, & his Federal benefits fraud, his false reporting to WV State Police/Magistrates/Prosecutors/Pocahontas County Sheriffs dept crimes he was reporting that were false upon a prior employee he attempted to murder April 1 2015, & then assaulted/battered several times where I was a witness, & last physical attack & grand larceny was 5/3/15 to which I was a witness to also. That

Williams came up w/ a scheme to commit tax fraud in several states & continue to lie to IRS, & commit fraud/perjury in several court cases by lying & claiming that that victim has stolen documents/records which Williams was in full possession of and had a pending hearing for failure to comply w/ Court Orders & subpoenas. Williams stated his illegal actions/lied and fraud w/ LEOS/officials/courts was win win for him in all matters & that he had done things like this before in the past in several other court matters, & once even committed arson in his fraud against the IRS to lie and claim all his company & personal papers/records were in the building HE set on fire/burned through arson/fraud. Williams stated that once he got the courts/leos to go after his victim they would then do the work for him for free and assist his own efforts to track down this man to murder him. Williams also on several occasions tried to bully/intimidate and force myself to assist him in his efforts to track down this man, trick him & his parents through deception to find out his location or information to assist that goal so he could murder him. That from May 2015 til Williams' final physical assault/battery & attempted homicide of me 9/30/15 Williams constantly told me of his plans to murder several people, and his past efforts and connection w/ past murders/acts of terror etc, & his own initiated fully paid murder for hire contracts. That Williams told me these things and told others in my presence continually all that time in great detail. That it had already been discovered about Williams' embezzlement/fraud/crimes against the Corporations/Entities & he was continually refusing to hand over the books/accounts & records. All while he was telling us he was creating fraudulent documents, hiding/withholding documents, and creating FAKE financial records/books since he had been obstructing justice, violating court orders, & subpoenas in Cases out of VA, to include illegally moving/stealing/selling/converting assets for his personal benefit that were under protective orders. So these and much more evidence of his crimes he knew I knew fully about and had evidence against him & his and his wives illegal dealings. He also was trying to demand that I would be bound to leave my home in WV and never be allowed to return to the State of WV. This was all documented & provided to all proper law enforcement.

Even in all cases before Magistrates Court & Circuit Court Williams has lied, perjury, committed fraud and entered fraudulent/altered documents this has also been fully documented. Done in this later trial before Judge Dent as well.

Q: Please list a description and value of your losses (use additional paper if necessary)

A: There have been many filed police reports of Felony Grand Larceny, Petty Larceny. There is well as documented Court records of Williams' fraudulently using the Courts in intimidation/obstruction/harassment/abuse of me that caused cost of attorneys fees, and profound duress, emotional suffering, fear (as intended), slander, unwanted publicity, & Defendant & his gang's continued abuse of me they publish all over the internet, their official & related sites, infamous forums known to have incited violence/murders, formal publications printed/mailed, & mass emails. As Defendant publishing/sending out documents that were sealed by this Court/Judge Dent via Court Order. Continual since 2015 violations of Protective Orders, his Criminal Bonds, and violent threats of my life and property, pets (murdered/tortured/abused), shootings, and bragging about the violent attempted homicide of me by William Williams 9/30/15 told to many people and that were also testified to by other victims/witnesses in many proceedings in Magistrate Court, reported to law enforcement & magistrates, prosecutors. 2 victims witnesses suffered continual abuse, threats, manipulation, blackmail, intimidation, coercion and are now dead, & their families continue to be threatened.

Q: Have you been paid by an insurance company for your loss or damage? If so, please supply name and address of insurance company.

A: NO

Q: Has there been change in your personal welfare, lifestyle, or family relationships as a result of the crime?

A: YES. Since the threats, assault, battery, attempted homicide and continued attempts and threats against my life that are ongoing; I have continually been continually re-victimized, tormented, abused, terrorized, intimidated, harassed, blackmail & coercion attempts, violation of my basic human & civil rights, & as they even claim intentionally "tortured" stating were getting assistance from a psychiatrist friend on how to

manipulate/torment me (& other States victims/witnesses) to commit suicide to try to escape what they claim is inescapable and unending, and that they will get revenge and finish it and kill me or have me killed. The criminal abuses by Defendant Williams began in 2015 and continue and area also done for him by members of his personal criminal gang/cult of domestic terrorists. I and other States victims/witnesses have testified in many court proceedings and reported to law enforcement/prosecutors/magistrates of 1st hand knowledge of Williams continually bragging and giving details of his intentions to murder/have murdered other people, 1 of whom reported crimes in 2015 to include attempted murder, assault, battery, grand larceny; and to which I have testified I witnessed Williams physically attack this man twice & commit the grand larceny, & then through out 2015 continually try to involve me & others in his plans to hunt down & murder this person to include murder for hire/hits contracts. Defendant Williams has openly bragged/admitted & I personally have seen verifiable documented evidence of this, as well as been present/or with in hearing of him discussing these in great detail with others, to include 1 man who in my & others presence twice stated he had personally put money towards 1 of those fully paid murder for hire contracts. Defendant Williams on several occasions himself, & his wife, & later another man continued to try to get me to assist them in tracking down a man (who had violent crimes committed against him in this jurisdiction/reported them & is in hiding) whom Williams repeatedly/clearly stated over & over his intentions are to murder him, or incite others to do so via his posting lies on the internet (Williams stated this has worked well for him in the past) or murder for hire contract as he has done so in the past; tried to order, manipulate, bully me into helping them with these plans, to include ordering me to contact this mans mother trick her into giving me information to assist him in hunting this man down to murder him (some of this in in writing & has been testified to in prior court proceedings & reported to law enforcement by several people and myself), and various other plans to try to through elaborate plans involve me in his murderous/criminal plots to track this man down. I refused, causing Defendant Williams to become abusive/aggressive towards me. I have since 9/30/15 been contacted & given evidence of Defendant Williams' telling others bragging and stating "damn right I was chocking the bitch" "She needs to be shut up for good" "she knows too much" and telling them of his plans to have murder me in great detail. He had in 2015 shown myself and others how his partner, fellow gang member and attorney Kalamaros uses databases through his being a licensed attorney in Indiana to assist Williams in tracking down Williams' claimed "enemies" & getting information on them & their families or associates, addresses etc.. and I have seen documented evidence of Williams' hiring private detectives, attorneys, or to fraudulently initiate proceedings with law enforcement/or courts to track down other people whom Williams clearly repeatedly states he is doing so with the intent to abuse and murder them. Many people who have repeatedly heard directly from Williams these plans (many times in my presence/or hearing) have discussed this among ourselves. Williams even went into his ranting violent rage stating his plans to murder people at the formal Board meetings held 8/1/15 as well as prior & after. This caused 1 man who was to be in the Board meeting to literally flee WV that day prior to the meetings stating he could not have any part in Williams murder plans & that Williams told him too much of his prior crimes that could get him & all of us in trouble through Federal Conspiracy charges, & be held as accessories to murders of/by twice convicted Defendant Williams. Williams has NEVER complied with and has violated countless times prior Protective Orders (well documented & even witnessed by law enforcement personally), he and others for him 3rd party have literally 1000s of times violated all Criminal Bonds, Judges Orders and Instructions. This information has been well documented since 2015 in many formats and repeatedly been given in under oath statements in Court proceedings by many people, to Pocahontas County Prosecutors, Pocahontas County Sheriffs Department, Pocahontas Magistrates, WV State Police & others by many States victims/witnesses. Yet all such Victims/witnesses and others continued to be threatened, intimidated, harassed, abused, had their lives &/or those of their families also threatened/harassed/abused & continued to be re-victimized to a greater degree after. Williams has personally (& his wife also in some cases) abused, threatened, intimidated, manipulated many people. Williams personally has given out on the internet in a VERY public fashion the name and personal address of 1 victim/witnesses mother. Williams' personal associate and fellow murderous gang member David Martin Pringle had in scheme with Williams published personal information about my family, children, & extended family/or inlaws. This information was immediately reported to Prosecutors Office, law enforcement, & they were given print outs, as well as digital versions of this & 100s of others of Williams and his gangs documented crimes/violations/abuses/threats on UBS drives since 2015. 4/19/16 David Martin Pringle, Williams' personal claimed right hand man & claimed Chief of Staff wrote on the

dangerous forum Stormfront (where 1 of their close associates/members is a head moderator since 1998 and until recently has lived in Greenbriar County since the 90s) lying about me, my children, my family to incite others to do harm to me that on his travels on behalf of Williams "I was recently in Roswell, NM visiting with some nice people named Salas. Their initials are M and E. Garland used to be related to them. They used to be her in laws and their grandson is in prison right now in Texas for selling drugs...again. Garland's name used to be SALAS. Should I continue? I spent some quality time posing as a journalist for the "Intel Sheet." They aren't as white as you would think. Maybe his Mexican blood is what drives Garland's son to commit so many drug related crimes. Who knows? Pike, is that checking things out enough for you? Ms Course, is a race traitor...period. I can bring her former in laws into it and the pictures we all took together in Roswell. ..." This shows how Williams/Pringle their criminal gang are lying about me, my son, & also telling a web site that has spawned 100s of murders, and crimes, acts of terror that I am up for grabs marked for death as being labeled as "a race traitor" with non white children. He claims that through fraud/dangerous deception that through lies and falsely claiming to be a reporter that he endangered people, and got close to them & took their hospitality and took pictures with them. This is very serious and dangers actions, and also very documented very public multifaceted intimidation, threats, abuse. This was immediately reported and given to Pocahontas County Prosecutors, law enforcement, and later given to Special Prosecutor. On 6/12/16 Pringle makes a post their where he claims he has close associates/protectors and the National Alliance supporters in the local law enforcement and states in this post 3 sheriffs deputies & 2 WV State Police that are just comping at the bit to go after myself, & other States Victims/witnesses and to force us out of our homes, or some trumped up charges, and states they have their personal phone numbers of several of them and that they have stated that even if they are NOT on duty that if they are called by Pringle or Williams etc that they will come out and help them, and go after US. This was repeated in several other of their own run/authored/controlled websites, printed mailed bulletins, on audio recordings, on other forums and then even mentioned in several media accounts, and other blogs.

On 5/16/16 I & another States Victim/Witness upon instructions from an official and our attorney, & with a copy of a Motion to revoke Williams' Bond, went to the Magistrate who issued Williams' bond and again reported more crimes, violations showing, & also filled out forms for PSOs with many dated documented crimes, times LEOS were called, violations of Williams' bonds, shootings, larceny, trespassing, against us by Williams' personal employee and publicly & on audio stated he was brought to WV by Williams the day before his first criminal trial for this battery/attempted murder where he was found guilty to have Pringle work for him & to take over the Corporate Property from the Board/Officers & to drive us out of our homes, & make us too "deal with us" & make us leave our homes. We were told by Magistrate that she is NOT allowed to do this or would get in trouble. Also reported this all to the Prosecutors office, & also met with Simmons and handed him the Motion, & reported that myself and other States victims/witnesses continue to be abuses, shot at, harmed, robbed, intimidated, the road blockages, the false imprisonments, the many hours recordings we continued to provide to his offices and LEOS of days/nights of screamed demands, threats, bragging/taunting, intimidation, shootings all documented and asked for help again to enforce the law, enforce our rights for protections, and to stop the obstruction on all the prior reported many felonies, misdemeanors, thefts, violations of PSOS, 2 Bonds, the fraud, stalking, blackmail/coercion, gang activity, shootings, home invasions, trespassing etc & then once he met with McMillion they came back and said they would do nothing. Obstruction of Justice.

Later again filled out forms & applied for another PSO after another violent shooting with Pringle's intent to shoot/murder us screamed while doing so, where LEO told us to get to a Magistrate & get the PSO, was again told not allowed to do it, yet fully documented that all past PSOs, & Bonds have been continually violated, many reported crimes, crimes witnessed by LEOS, as well as States victims/witnesses being threatened/abused/intimidated/assaulted IN the Courthouse, & then some bizarre statement that since the bullets didn't touch us it wasn't enough for a PSO as she stated she was told by the Prosecutors. Same for those later filed for against Williams. In several of these visits where we were instructed by certain LEOS, or US Attorneys office etc to go & file for them in these very serious, private, protected actions Williams was always made aware of these through his attorney Laura Finch who was told through gossip by the Magistrates themselves. Williams then states this in his abusive/mockingslandrous/Bond violating posts on the internet/mass emails/and formally

written printed & US Postal mailed across state lines publications the legally protected private, life endangering information of our going to Magistrate with evidence/good cause/documentation and meeting the legal requirement under law, & already being States Victims/Witnesses who have continually been re-victimized and through felony crimes done by Williams and his gang criminals with Felony Witness intimidation, Felony Obstruction of Justice, those individual additional crimes, & continued over 1000 documented violations of the Criminal Bonds, violation of our Civil Rights, violations of WV code and Victims Rights and intentionally not protecting any of them. Which so far has resulted in the death of 2 Victims/Witnesses, and many in hiding]

Twice convicted Williams has always been/IS an ongoing threat to my life, safety, welfare and that of my family, property, and pets as are his criminal associates, gang members, and anti christian cult members. He and others have clearly repeatedly stated their intent is to murder me.

Q: Do you have any medical bills or bills for psychological services as a result of the crime? (Please send copies of these bills to the Probation Officer.)

A: NO. Have no medical insurance. There are not adequate services in the county or surrounding counties. Most services are in another state, even the closest proper hospital facilities. This case began in 2015 and end of 2018 still has not been resolved. During that time continual crimes have been committed against me & other States victims witnesses, fully documented and evidenced including audios, photos etc with no proper response by authorities, & no effort made for the recover of additional stolen property. As well as countless violent shootings, murder/torture/abuses of our pets (to include 1 of my cats being murdered/destroyed w/ full automatic gun fire (recorded/reported/witnessed, & bragged about by Williams' partner in his criminal gang of domestic terrorists David Martin Pringle) in 1 of the many recorded/witnessed/reported days/nights of hell w/ our/our homes/or near us being fired upon for hours & often times fully documented accompanied by threats/demands/intimidation/coercion & drunken/drugged up bragging about many aspects of Williams & his criminal gangs operations/crimes/network/funding/plans/partners helping them etc [some of which they also brag about in writings/published online in great detail. Fully documented, & that evidence then also fully provided to authorities, as well as reported on by others in media, & on the internet]. They have threatened to fire bomb our homes, kill us in many graphically described ways, including sexual abuse.

Q: Did you have any income loss as a result of this crime? If yes, please explain.

A: YES see above

Q: Describe briefly how you became a victim of this crime.

A: I became of victim of crime because Williams is a very dangerous, violent deadly criminal who gets fixated, is vindictive, and obsessive, & stated I and the knowledge/evidence I had was a threat to him and his personal goals/intentions for his criminal plans & I knew too much of his crimes and his real history that undermined all the lies he continues to tell many people, his publication to commit his many crimes, as well as bank fraud, wire fraud, consumer fraud, US Postal mail fraud, Charity fraud, crimes against several states, RICO, embezzlement, thefts, tax fraud, benefits fraud, Corporate fraud, etc. . In 2015 through my contact with convicted defendant Williams I came to personally know, with evidence of many of Williams' past crimes, current crimes, and planned crimes. These include his involvement with acts of terror, murders, robberies, murder for hire contracts, and others. It became as Williams said a matter of "she know's too much" "She needs to be shut up" "she is a threat" "she needs to be shut up for good" "I need to finish the job" "or get someone else to do it" to include continual credible threats of murdering me, & in Nov 2015 making statements (told to 2 people in person in Pocahontas County, WV) suggesting raping me and them murdering me. And in 2016 to 2018 his gang members repeated witnessed some recorded statements that "she needs her head fucking blown off". In 2015 on going Williams told me of many of his States & Federal Crimes, to include past fully paid murder for hire contracts, his also inciting getting other people to go out & commit infamous internationally known murders and they did which he takes credit for such as multiple murderers Frazier Glenn Miller Jr, & Jonathan Preston Haynes (to included physical evidence of their contact/calls/writings/meetings); & the talk of his involvement with the murders/arson/explosion/robbery in Shelby, NC etc; I witnessed crimes, evidence of crimes, & Williams'

continually repeatedly talking about/bragging about crimes that he had or was committing against other persons, States, IRS, Federal law, fraud & perjury, submitting forged, and altered, fraudulent documents in Courts, & hiding/withholding documents he did have from Court Orders & subpoenas, & violating court orders, & stealing property, & converting property, & committing embezzlement, Obstruction of Justice, making threats against other parties to include clear credible death threats. Through Williams statements he bragged about his Federal Benefits fraud against Social Security Disability, and the US Veterans Administration, & States & IRS through his & his wife's personal taxes and those of legal entities and Corporations. I came to know about and with evidence his illegal false filings with many States Secretary of States & the Virginia State Corporation Commission. Williams suggested to me that he was not legally married and did somethings to hide his assets and Federal Benefits from her, but used her to get MORE benefits, & this was told to me 2015 when Williams was improperly trying to hit on me/impress me & asked personal questions about my ability to still have children, & then asked if anything was reversible like through surgery, in some attempt to find out if he could "breed" with me. I learned though several other people that Williams seemed obsessed with me. I learned though Svetlana Williams from a phone call in which she was shocked/aggressive and questioning me since I had prior refused and NOT given permission for my name, photo or personal information to be printed in one of his published/mailed Bulletins (which he also claimed he sends a copy of to the SPLC). Williams was told by 2 other Directors of the Board to NOT do so, he did not have my permission & in-fact had my explicit demand he not do so, & they told him to not do so. Williams became belligerent and stated he was going to do so anyway & that he himself had something he could use for a graphic/photo of me. This then led to Williams ordering Svetlana Williams to goto his creepy hidden personal stash of many drawings, sketches, pencil/chalk/paint/pastel/charcoal portraits he had made of me & hidden evidently in a closet under the stairs & behind some safe which she had never known about but he has had for decades like a creepy stalkers shrine & trophies. [these facts/evidence prove that Williams committed perjury on the stand under oath at this criminal trial] She then took a picture of 1 and cropped it and they published it formally. In 2015 at the main office at Millpoint, WV I came to find 3 boxes of Williams' personal possessions that had been their since Dr. Pierce had fired Williams, kicked him out of the Farm House & off the Mountain in 1990s. In them were Williams' private papers/files, original army detachment DD214, deeds, and a filed folder full of pictures of me he had requested copies of from other people, letters; & a long several page detailed original letter in the original envelope from the man Williams had already paid in a murder for hire contract to murder Harold Covington, which stated the man & his NY connections were having difficulty locating him & suspected he had currently fled the country & was in hiding, it stated that the man was fully willing to finish carry out the contract/murder should Williams be able to track this man down & give him his locations, but that at that time the hitman/murderer was refunding the money in full and was VERY apologetic and supporting of Williams. In all it was a profoundly bizarre shocking exchange between Williams and this man. I documented this well, & then upon a Williams' visit to WV I took the opportunity of showing him the boxes of stuff, & specifically opening & showing him the original letter to get Williams to tell me more about his/Williams' fully paid for contract for murder, and to which Williams was forthcoming with more information & added to more information as he had prior & later that 2015 gone into much detail on another paid for murder for hire contract he had initiated, 1 included he claimed an associate of his who had been an IRA hitman.

The information about Williams' personal past murder for hire contracts and Williams' continued murderous/criminal intentions in 2015 & 2016 to murder more people (including me clearly stated to several people, some whom testified to these things in court, & several told them to authorities) was continually repeated by Williams over & over & over to many people many times in my presence, & with in my hearing. Involving 1 of those paid murder for hire contracts a man Fred Streed in my presence (and some times repeated in front of another) fondly reminiscing with Williams about 2 murder for hire contracts mentioning names details & how he also helped Williams who had been short of the funds & this man knowing exactly what it was for did himself provide funds and give it to Williams towards 1 of the murder for hire contracts to be given to the hired killer/murderer to commit a murder for Williams. They in Sept 2015 also both talked about how also Williams prior victim of threats, abuse, assault, battery, attempted homicide, grand larceny, breaking and entering, fraud, etc against his victim Mr. Randolph Dilloway needed to also be killed and ranted about other parties in a Gloucester County Circuit Court VA lawsuit making statements of agreed claim they deserved such

harm. It was also discussed in my presence to me, & another States victim/witness at a dinner table 9/15/15 by 2 people that David Martin Pringle was a drug dealer, druggie, thief, snitch, "lying son of a bitch", provocateur, traitorous scum and he was desired to be killed. Williams also bragged about his physical assault & rape he committed against Ms. April Gaede several times when he worked himself up into his violent diatribes/rants/threat spews. In my presence Williams was forced to admit he had lied, & to admit when provided evidence via his own public postings that still exist on the internet that she did NOT steal money from him & that he was fully repaid an emergency loan she once needed when her family had been victims of a very violent crime. That Williams repeatedly attacked then made nasty comments about another woman I had never heard of and was not interested in hearing about but Williams just kept talking about it, and relishing it. A woman whom he had made advances towards (stated he still had some acquired naked pictures of but that Svetlana was jealous) & then whom later both he/Williams & the abusive Svetlana Williams threatened/harassed/stalked/abused/defamed this woman & her family for 3 years (the details & actual files/written documentation of this was reported on in the media in 2015 and about many other instances of Williams' crimes/violence against Women & others, & his criminal network. The media also covered Williams' crimes against another before me, the man he states he intends to also kill or have murdered). Since Williams also publicly in his writings online & in publications, and what he selectively has told to certain people that she never paid him back. Williams in my presence when discussed with others and was confronted had to admit that he and Svetlana Williams had committed embezzlement for personal use by using Corporate funds given for other purposes of over \$10,000 in cash to purchase Dec 2014 a 2005 Dodge Dakota pickup TN 576-49Z truck for himself and registered to himself privately which was fully witnessed by another one of Williams victims/witnesses. Williams admitted to me & in front of me & with in my hearing his committing 18USC1001 & tax fraud against the IRS for himself & his wife, & several legal entities and was doing so endangering the Corporations, entities. William Williams, Svetlana Williams, & a fellow Williams gang member & his personal attorney, long time friend and partner, & Federally mandate payee/guardian/fiduciary Timothy Kalamaros tried to involve me in their crimes of tax fraud, perjury, fraud upon the Courts, violations of Court Orders. Williams in 2015 had been in violation of many court orders, already committed many serious crimes in WV, etc was being investigated by the IRS who were demanding documents, and Court cases in which he had already refused to copy with subpoenas, and Court Orders was served for contempt and also looking at sanctions for failure to respond and produce documents he had because he had committed crimes and stolen them & taken them into his possession. So in 2015 Williams came up with the plan to try to get out of all of that by committing more crimes, fraud & lied and falsely told IRS that the documents were stolen by 1 of his victims. Which I know he hadn't as I was a witness, & I saw Williams in possession of all of them afterwards, & he and his wife talking/writing about them, & then Williams decided he would hide them and brought them to WV to hide them in the building/office where I worked, where I of course saw them, & he talked about them.

At this time 2015 as well as prior in the 1990's Williams bragged to many people that he was running tax scams by not reporting his income for decades, and stated that he had tricked the IRS before and committed arson as part of his tax fraud, perjury, 18USC1001 to falsely claim that all his personal and business papers that IRS wanted as they were auditing and suing him in court had all been in the same place and were now all burned up destroyed due to the structure fire at the building HE himself committed arson/burned to pull off this tax scam. Williams had also stated in 1990s threats against the employee at the IRS whom he called a "niggress" & stated he had done some research and found out information, address of her and some of her family and that he intended to get even with her. I have no idea if that ever occurred or who this person is, but presume it would be in the IRS and court records.

William stated his plan to get out of everything was to file false police reports against Mr. Dilloway whom he attacked, tried to kill, & then repeatedly stated over & over fully intends to murder.

Williams also bragged and stated he had prior used the courts to go after people or to use the courts or law enforcement to try to have them locate people or get information on them so he can hunt them down, harm them. Williams stated he intended to file, and did file/falsely report such false charges against Mr. Dilloway that then for FREE the LEOS would be hunting down Mr. Dilloway who was in hiding knowing Williams is

violent/deadly unstable (whom he stated he intends to murder or have others do so for him once he finds out where he is) so he didn't have to waste time and money with a bounty or a private detective & that then he would get the stupid cops to do it for him for free and get that needed information. All of these shocking, criminal plans of Williams that I continually through him & others came to know I did keep track of and told, discussed among others. I wanted nothing to do with his personal crimes, and found them to be as pathetic/disgusting as they were dangerous. Williams through his actions and his need to brag, and "show off" continued to try to weave and intentionally pull me and others into his web of criminal conspiracy, RICO and other major crimes, though I wanted nothing to do with them, and repeatedly told him, sometimes in front of other witnesses "no" "that is NOT my job" "that is not the work I do for the board", "this is stupid" "that's fucked up, NO" etc. Williams (Svetlana Williams) tried to bully, coerce, intimidate and demand/order, dominate/control me & other people, to the point of acting as if he should have full control of every aspect of my/our lives such as what we eat, listen to, read, spend our limited funds on, etc. He began to call himself the Pope, & interact/communicate as he is the leader of some creepy dangerous murderous CULT. All while he being a selfish thief w/ poor impulse control continued to steal from myself and others no matter how contrived, despicable, or small, like a klepto needing a drug fix to boost himself up in some way, a sense of control over others.

To this goal Williams for his personal benefit used Corporate funds & hired WV attorney Paul S. Detch & they both falsely made claims of theft of many things, & all these documents/files wanted by IRS, & the Court case in VA (which Williams fully had at his home in TN, and knows that person never took them nor had the opportunity to do so) to West Virginia State Police, Pocahontas County Sheriffs Dept, Magistrates, Prosecutors (whom Williams bragged and repeated that said Detch told him was pretty dirty, & he could totally get this done as known Simmons for over 40 yrs and "knows where all the bodies are buried" & "basically runs the magistrate courts so no problem there" and that Simmons was real easy to handle).

Williams then went on a continual campaign of filing fraudulent cases in the Magistrate court all of which are crimes in themselves, and a hard documented evidence of his perjury, fraud upon the Courts, and harassment, abuse, re-victimization, intimidation, obstruction of justice committed against myself and other protected parties via PSO, Criminal Bonds, & being "protected" States Victims/witnesses, & protected under International, Federal law/act, & WV law from such abuses, but they were allowed by the courts. He and others for his such as Meredith Kellar, David Martin Pringle, Svetlana Williams went on to continue to contact local & state law enforcement, magistrates, each committing crimes of conspiracy, false reporting, fraud, felony witness intimidation, felony obstruction of justice, and violations of PSOs, 2 Criminal bonds etc.. Not one of anything Williams has filed has been true, nor has he had any authority to do so, the things he has written in filings are false/fraudulent/perjury/fraud upon the courts. This has cost Victims/Witnesses money, time, profound stress/abuse torment/trauma. These cases have been fraudulently handled in Magistrate Court and then finally resolved in Circuit court w/ one case taking several years. ALL of these things caused me to continually be a victim of crime, and THIS crime to be nothing but a continual horrible, violent, abusive, ongoing crime with NO end.

Williams has NO intention stopping his violent abusive crimes against me, or those of his personal minions, gang members ever ending until I am murdered. He has made this very clear to many people. He has a lifetime history/pattern of being petty, vindictive, obsessive, retaliation, and scheming/plotting "revenge" & stalking/threatening/abusing lying about, defaming/slander/libel against people for decades. This has been testified to in Courts, & reported to law enforcement/authorities. This is his own stated goal, it was his goal while repeatedly saying/screaming such over & over while repeatedly physically attacking me trying to strangle & choke me to death 9/30/15 along w/ physically attacking the other victim/witness that day. Williams later physically attacked him again twice December 2015 while Williams was also violating my PSO and ordering/intimidating him to LIE to the Court about the truths he knows and witnessed. When he stated he intended to tell the truth, Williams physically attacked him. This was immediately reported to law enforcement that day & the next few days to various law enforcement, Magistrate with formal official documents filled out for all of them. That Victim/witness filed police reports for the threats, assaults, batteries, & also had his own

PSO & was personally named protected party in 2 Criminal Bonds the Courts had against Williams. Williams and others for him & their criminal gangs collective benefit, violated ALL of them repeatedly, continually, on going.

Williams has NO regard for the law and believes he is above it or "too slick". A prime example is all the above and also that he on 9/28/15 knowingly with his loaded handgun in his pants pocket entered the Pocahontas County Courthouse & met with Prosecutor Simmons to try to push again for those false charges against Mr. Dilloway. Williams stated it was his belief that his gun was made of a special light weight metal "that even if the hicks had up some metal detector in the courthouse, I don't think it would have picked it up". He also that same day knowingly with that loaded gun in his pocket went into the West Virginia State Police Marlinton Barracks to try again to get Sgt Barlow to file charges. He then knowingly with that same loaded gun went into the US Postal Service Hillboro Office. Williams then returned to the Millpoint property/office very angry/agitated and was making threats to these people and his prior attorney who he had visited 1st in Lewisburg that day, Paul S. Detch who he stated he did not trust and called him a "greasy scabby curly haired jew" & was throwing around papers he had retrieved, and slamming furniture in a total rage. He then proceeded to pace around the building muttering to himself, and making growls/grunts, then went into a back room where he sometimes sleeps or naps and continued to now louder talk to himself, & argue as if other people were present. (Williams would later be desperate and forced to used Detch again despite his telling many people he believed he ripped him off and wanted to get even, & that there were many emails that reflected this, & then later his urgent need to use Detch once Williams was arrested the 1st time. Then WV attorney Detch himself personally paid for Williams' criminal bond and signed surety for him in the 1st Bond/contract 12/17/15 against WV law/regulations/ethics. Which is why we were told Detch with Simmons and McMillion were desperate to have that bond ended or rewritten to hide that fact) Williams bragged about his getting away with taking his loaded gun into all those places in detail to States Victim/Witness Oljaca and myself right afterwards. Williams pulled out the gun and was showing it off while talking about it, & then told Oljaca, "here, feel this, hold it.. it's some special metal that I don't think gets picked up by most metal detectors" When Williams was gesturing to have others hold this gun, I took steps back & certainly was not about to put my fingerprints upon a firearm owned by a dangerous murderous nutcase criminal with no personal self control. He then bullied Oljaca into holding/handling it. To which I then stated to him that that was a very stupid thing to do knowing what all we know about violent mental defective Williams. This all was testified to in several court proceedings in Magistrate Court under oath by several people, as well as was properly reported to authorities. Since Williams is unstable, impulsive, deadly dangerous, and volatile and continued to make threats and state his plans to murder other people, myself and had already physically attacked Oljaca several times (all reported paper work filed out and told he was going to be arrested on those charged on 12/21/15 that never happened, & we were told by other officials that that charge/warrant like many others were obstructed by the Prosecutors/County Commission/County Attorney/Magistrate Cynthia Broce-Kelly because this all had too many liabilities responsibility in all those continued crimes committed against me, Oljaca and others by that time. So nothing ever done about those) that Williams and others in his gang has in the courthouse threatened/assaulted and even committed battery and not frisked or checked to see if he had weapons despite our request and being promised by some officials he would be, & that there would always be a bailiff as guard/witness in proceedings, there were NOT and in fact Magistrate Broce-Kelly in front of witnesses forbid it and stated 12/21/15 that if I did not enter the courtroom alone w/ NO witnesses allowed, and NO bailiff, & despite my request that I would have to go to the far table in the corner furthest from the door, & have to pass by Williams and that if I did not comply with her conditions that she was right there in the hall going to dismiss my petition for a permanent PSO and NOT hold the docketed hearing that day and cancel it. Which was her and others plan/intention all along anyway & that evidence was fully told to use by other officials right after the hearing to several witnesses. While in the Courtroom proceedings during which 3 times with out notice in the middle of testimony Magistrate Broce-Kelly got up and abandoned the courtroom leaving States Victims/Witnesses to be called names, threatened, abused, mocked, intimidated by Williams and his attorney Detch several times. Several times also both Williams and Detch had moved their chairs hitting witnesses or forcing them pinned up against the back wall of the courtroom while they were trying to get into the courtroom or to the stand to testify. Literally in the middle of Oljaca on the stand giving testimony and scared for his life and Williams glaring at him and grunting, Magistrate left again & while she was gone Detch to try to intimidate

Oljaca to NOT continue telling the truth and testifying said to him, "Well boy, we can assume with your testifying against Mr. Williams here that you no longer have a job.. nor a place to live, isn't that right?". This was reported to other authorities. Williams also that day filed a fraudulent case committing perjury on the paperwork in violation of PSO & bond for intimidation/harassment/abuse against Oljaca. Then both Williams and Detch both violated a PSO and criminal bond, trespassed, & while Williams and his wife were destroying the lock on Oljaca's home, committing breaking & entering, larceny, and ransacked his home; Detch trespassed, violated the PSO, & bonds, went to the home/door of Victim/witness DeMarais & DeCourcy/ME a few 100 feet away and intimidated him, made unlawful demands, & then threatened him with lawsuits to try to obstruct his legal right of way, and easement to his home from the highway. This was immediately reported to Sheriff Jonese, and Magistrate Wilfong. Mr. DeMarais had been sent home early by Sheriff and Magistrate Wilfong due to Williams threats of committing crimes & violence against us, or homes and our property that were fully repeatedly told by Williams to another States victim/witness via phone, who each time immediately called & emailed us that information, & was documented and reported to WV SP the day before, and in affidavit to LEOS, Prosecutors, and Magistrates (both) early that AM, and in the hearing as evidence, was told to call 911 if he saw Williams or anyone associated with him come near the property at all. He did, and another call came through while Oljaca and I were in a meeting with the Sheriff and Magistrate Wilfong, and talking about the credible threats against our lives by Williams. In the end after much more trauma/abuse Williams was arrested that night and it all made the international/national new wires & radio/tv/print that violent Will Williams of National Alliance was arrested 2 times in less than an week. Williams has publicly stated that during that arrest and the prior that he chatted up the supportive law enforcement and states he recruited people from the jail. Which was well documented and also known that WV guards at jail/prison are associated with him & as formal members/supporters/customers/workers for his criminal gang.

We have had major crimes, witnesses and recorded via audio many dangerous/deadly shootings, graphic death threats, threats to our homes and property to include fire bombing, with days & nights of repeated continual ongoing gun fire, screams of intent to harm, & some fully automatic gun fire, murder/torture of pets etc, the illegal making of ghost guns & selling/trading/bartering them, drugs, drunken &/or drugged up driving and shooting, blocking the road, locking gates, and reported such crimes to law enforcement and they haven't even come out to investigate. This year alone I have been shot at several times while in my own yard, reported and NO investigation at all. Other people have been victims of crime by Williams while he has been on Bond. Friday 2/9/18 7 people were being threatened by Williams a few 100 feet from our homes, he blocked the road intentionally was refusing to allow the people and their vehicle to leave, was accusing them of stealing from him & other threats, & false imprisonment, & 1 victim ran to call 911 & WV SP Trooper Brock refused to respond, they had to continue to call other numbers to get LEOS to respond to the reported crimes and the dangerous situation that was stated to be leading to a gun fight between Williams and Pringle, all while Albert Wesley Hess Jr. aka "Jay" Hess (the big thief/shoplifter of local stores, drunk/druggie who illegally lives in a commercial office building in violation of Federal and State laws) Williams' associate fellow gang member, was also involved. Finally the victim got a response and Chief Deputy Dave Walton came out, who knows Williams is on Bond, and all LEOS know about the drug activity there, and that most of them don't have legally registered vehicles or even valid drivers licenses all in his presence/sight, & no charges or arrests were made. Williams continues to get away with crimes, and emboldened to commit more with no repercussions/consequences, and knowing that several local LEOS fully protect them all and cover up for them as state they share many of the same beliefs/goals.

Williams in associated, partners with many other criminal persons, and organizations in which he is affiliated with connection to Creativity Alliance (he has been for over a decade been on the board the Guardians of Faith Committee in which he recently voted for their new leader to be a man who just got out of prison and is a convicted career criminal, murderer and purported cop killer, and leader of Aryan Brotherhood involved in hits/ murders and protection racket) Aryan Brotherhood gang, KKK, David Duke etc. Williams is a paid sustaining member of the Stormfront forum and attends or has others represent him attend their annual conferences. Williams and his personal gang participated in coordination, planning and execution of 4 rallies, events in Charlottesville, VA in 2017. They did coordinate meetups, car pools and caravans that both on the way to and

from the event did stop near & at his home. There are articles, postings they created talking about this, & a photograph Williams posted of himself together with David Duke at his home that day upon the caravans leaving Charlottesville and stopping at his home in TN and where he stated he and David Duke had lunch and got updated on all the events.

We had the SAME problem many times, such as violation of 2 bonds & additional major crimes done against 4 States Victims/Witnesses who were to testify against Williams the VERY next day for Williams' criminal trail in Magistrate Court 3/28/16, the day before Easter Sunday 3/27/18, no less than 3 emergency 911 calls were made & in violation of law, & violation of protocol for WV SP, Sheriffs dept, 911 center/DHS center were being refused to be responded to while reporting fear of life, assault, violation of 2 Bonds, 4 counts by 2 criminals William Williams & David Martin Pringle of Felony Witness intimidation, Felony Obstruction of Justice, etc.. & then destruction of property, breaking and entering, & then an armed/violent standoff and occupation of Corporate Property being falsely claimed by Williams who had 8/1/15 fully been removed from all Boards of corporations/entities & wouldn't stop talking about his plans to murder people. Yet we were all following the law and the instructions by Magistrate, & Sheriff Jones, & attorney etc as Williams nor anyone connected with him was not to come to WV unless it was to go to Court, his attorneys office or jail; & had been told multiple times not to come near us, or homes, or our work. Williams after breaking into a building got on an extension and during the recorded 911 call insulted his victim, States witness, mocked him & then caused the phone line for the victim to be disconnected/disabled cutting off the emergency 911 call reporting Williams/Pringle' multiple serious crimes, assault, intimidation, & danger to the 4 States victims the day before they were all to testify against Williams. Disconnected. We had to contact an attorney on Easter & they to called WV State Police & got Trooper Brock who refused to respond to the 911s calls, the reports of verifiable crimes, & being further reported by an Officer of the Court, & victims attorney. Attorney had to text the Sheriff who then responded back he would make sure someone responded to the crimes. But what happened is 2 officers who support/protect Williams/Pringle and National Alliance showed up, NEVER checked on a single victim of crime, nor those who made 911 calls & instead laughed at the victims, mocked them, & chatted with Williams & Pringle and gave them their personal phone numbers and told them they would help them get rid of all of the States Victims/witnesses/us from OUR Homes. Phone records would evidence these were used, & also that the National Alliance, Williams, Pringle, & pedophile partner Kevin Alfred Strom have published on multiple of their websites, and other websites, & in their printed/mailed bulletins, & recorded them bragging stating that they have law enforcement in WV SP, Sheriffs Dept, 1 magistrate helping them. In many publications they mention 5 LEOS more than others. Some of the same LEOS that have threatened States victims/witnesses, assaulted, and continued to protect Williams and his fellow criminal gang members and their cult. Some had stated they supported the National Alliance because it "helps keep the niggers out of the county". They have protected them when we have reported violent dangerous shootings, & being done by alcoholics drug addicts/users/growers/dealers who drive on public roads and violently shoot firearms in that condition on a regular basis. They have been protected from DUI, being caught with illegal guns, illegal drugs in their system, or growing them, or having a variety of illegal drugs etc. as well as in 2015 a LEO told National Alliance people they didn't have to worry about personal property taxes or registering vehicles they would make sure they weren't bothered.

Williams fully violated this Judge Dent's Order to SEAL records in this case, he himself published them very publicly on the internet, on a dangerous nut filled racist forum Stormfront, & in his personal printed/mailed publications Bulletin, & through his own mass emails he sent out he spread those things SEALED by Circuit Court/Judge Dent's Order & instructions. Despite Judge Dent's instructions/warning to Williams' attorney Laura Finch she without regard for my safety/privacy rights, or attorney/Bar ethics instantly gave Williams everything & he was sending them out. She also passed on private court protected information of when I and others formally presented ourselves to Magistrates to get Personal Safety Orders & telling her of the crimes, shootings, that had happened and LEO instructions for us to do so (which were recorded). That immediately after Magistrate violated protected victims rights, duty of job, ethics & gossiped w/ other Magistrate & Laura Finch, who then gave all that information to Williams promptly as he then wrote about it very publicly adding in lies, abuse, & more intimidation and threats (all violations of the law & counts of Felony Witness intimidation,

Felony Obstruction of Justice, violations of the Bond, & additional crimes.

The ONLY thing that is JUSTICE is understating the enhancements of gang crime, the full understanding that the crimes NEVER ended and has been ongoing since 2015 against me, & many others, as the circle of States Victims/witnesses grows as the crimes are allowed to continue, with no enforcement of the many continual broken laws. The fact that Williams and his gang members for him and their mutual benefit has failed to stop any of his and his gangs continued abuses, shootings, intimidation, unlawful imprisonments, obstruction, attempted murders, thefts, break-ins etc.. his violating ALL Orders, PSOs, Bonds, Court Instructions/prohibitions out of every court, & the longest legally allowed Jail Sentence. And then the longest allowed under the law Probation with well defined restrictions, and it being enforceable/enforced. He should be banned from using the internet. He had prior been ordered in great detail & mention of what web sites/forums in which was to have all content deleted but NEVER complied at all. He and others in his gang & on sites fully under his control and with members of his gang running or moderating their own & other infamous dangerous sites continue to use my name, insult, abuse, threaten me, & lie about me. As Pringle has screamed many time fully witnessed and recorded on audio, and fully given/reported to all authorities they state and fully believe and seems oddly to be supported "we own this county" "Pocahontas County is my bitch" "our bitch, we run this place, and they all know it.. " "the cops the magistrate we got it covered" "you all don't have shit and I'm the boss here now". Even though we have them documented/audio recordings/pictures/some video/witnesses of them committing crimes, and then discussing plans for crimes, and talking/laughing about/bragging about past crimes and how they have gotten away with. Stating how even if they were to kill one of us that they wouldn't be put in jail, & that likely only just a GPS ankle bracelet & Home Detention and that their lives would go on as normal with nothing changed, & laughing about this.. Some of the recordings or even their statements we have witnessed recorded while they are talking to LEOS (even the visits by FBI where we have witnesses/recorded documented provable multiple 18USC1001 violations) about their past, present and future planned crimes against us have been insightful and in some cases we learned ahead of time new details of crimes/abuses they were going to do, they don't care they state they are protected. Isn't THAT interesting?

Williams has NEVER shown any remorse for his crimes, intimidation, torment, willfully inflicted trauma, and continual abuses, nor put a stop to his gangs committing crimes for him and themselves. He continues to publish abuse, lies about his victims, making threats, & causing harm to them and their families. He is holding up the estate of 1 now dead States victim/witness, & threatening his family. He has lied in court, he lied at the trail, so did others to benefit him. He has repeatedly asked & threatened others to perjure themselves, create false documents, & even his attorney submitted to the court easily provable altered documents. He lied and stated he did not know me & only met me in 2015, when there is profound hard evidence that has been provided to LEOS, Prosecutors & presented in Magistrate Court by witnesses that show he knew me in the early 90's, & in-fact become obsessed with me to the extent that he sent me out of the blue to unwanted written marriage proposals. That there are photographs, documents, letters proving we knew each other and through business connections. Taking all that evidence in is why Magistrate Wilfong said about all the Court matters having to do with Williams and his victims before WV Courts that they all had elements of Domestic Violence due to the many factors and that we lived where we worked, and his trying to control and dominate everyone and attacking so many in a consistent pattern of abuse/crimes.

That every person whom Williams had as a witness for his defense or sitting in the Courtroom for the trail have ALL been reported and documented (including photos/witnesses/audio/their own writings) committed serious crimes against myself and other victims/witnesses, & additionally 3rd party violated Williams' Bonds & several violated PSOs, & 1 involved in shootings, at least 2 in soliciting/telling victims/witnesses to LIE/commit perjury and to NOT do their duty to the State of WV in any hearings/trials against Williams. 5 involved in the plans & committed felony grand larceny against me, which was Williams' stated to other phase 2 of his intimidation/coercion/blackmail of me to try to force me to sign a fraudulent illegal contract that would also prohibit me from reporting his & their crimes, testifying against them, or going to media, other organizations etc & demanded I move out of my home and never enter the State of WV again (Williams did another illegal contract under intimidation against another victim also prior to me), and all in intimidation/threats and

telling/spreading lies about me in person/emails/internet/radio broadcasts/publications, etc.

The ONLY JUSTICE and proper protections of me the Victim of many crimes in WV, & others committed by Williams ie cyber crimes, stalking, shootings, murder of pets, thefts, harassment, intimidation, slander, abuse, is this Court MUST issue a Full Permanent Protective Order, that is detailed in scope, well defined, and fully enforceable. Williams and his gang as has fully stated and gone after others for decades, is fully been going after me, my family & with intent to murder me to shut me up for good, because of all I know, & can give evidence against them, and out of vile sick sense of violent revenge, out of obsession, and hate and his own fear.

Without a thoughtful, well crafted, properly worded Permanent Protective Order by this Court I have NO ability to ever be safe, or free to even exercise my basic Human & Civil Rights, & can not register or exercise my duty/right to vote, as w/ out such an order my voter registration information, my home/location will be public record and Williams, his gang, & any murderous nuts he incites on websites as he has intentionally done since 2015, & on websites well known for spawning 100s of murders will be known to them for their claimed/stated intent to murder me. Without such order there are MANY other things which I can not do to be able to protect myself, my privacy & my life, this includes protections under the law that would be available to me for my very existence such as employment, and housing, & keeping information private/sealed. Williams has dirty/unscrupulous attorneys who give him information from many databases available to the through their law licenses and I have seen evidence of that information being used against others, and myself and other States Victims/witnesses.

Q: Are you answers to these questions true and correct to the best of your knowledge?

A: YES.

Please sign your name and date below and return this form in the enclosed self-addressed envelope.

Name Garland DeCourcy

Date 9/29/18

PROBATION DEPARTMENT
ELEVENTH JUDICIAL CIRCUIT

Adult Probation Officers:
Tonya L. Hoover
Robert L. Tooze
Adam J. Carr
Phone: (304) 647-6647
Fax: (304) 647-6679

P.O. Box 28
Lewisburg, West Virginia 24901
Greenbrier County/Pocahontas County

Juvenile Probation Officer:
Dustin W. Martin
Jennifer Ratliff
Jenna Rine
Phone: (304) 647-6688
Fax: (304) 647-6680



October 2, 2018

Laura Finch
820 Tenth Avenue
Marlinton, WV 24954

Re: William W. Williams

Dear Ms. Finch:

Attached you will find your copy of an addition to our Presentence Investigation Report with respect to the above named individual.

Yours truly,

A handwritten signature in black ink, appearing to read "Robert L. Tooze", is written over a horizontal line.

Robert L. Tooze
Probation Officer

CC: Jennifer P. Dent, Judge
Prosecuting Attorney

RLT:ks

IN THE CIRCUIT COURT OF POCAHONTAS COUNTY, WEST VIRGINIA

STATE of West Virginia

v.

Case No. 16-M-AP-01

William W. Williams
Defendant

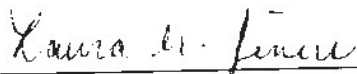
MOTION TO WITHDRAW

NOW COMES Laura M. Finch, counsel for Defendant William W. Williams ("the client"), upon a Motion to Withdraw as counsel in the above-captioned case, stating in support thereof that the client is seeking new representation.

Counsel further states that this day has been provided to the client a copy of the attached Certificate Upon Motion to Withdraw, and has further been provided a copy of this Motion, that he understands the reason for the withdrawal, and by his signature to the Proposed Order included herewith has agreed to the withdrawal of the undersigned as her counsel.

Counsel therefore prays that the Court enter the Proposed Order included herewith, and order such other further equitable relief as meet under the circumstances.

LAURA M. FINCH



Laura M. Finch, WVSb #12094
820 Tenth Ave.
Marlinton, WV 24954

IN THE CIRCUIT COURT OF POCAHONTAS COUNTY, WEST VIRGINIA

STATE of West Virginia

v.

Case No. 16-M-AP-01

William W. Williams
Defendant

CERTIFICATE UPON MOTION TO WITHDRAW

I, Laura M. Finch, hereby certify that, upon my Motion to Withdraw, I have informed by client, William W. Williams ("the client"), of the following:

1. That I wish to withdraw;
2. that the court retains jurisdiction;
3. that the client has the burden of keeping the court informed where notice, pleadings, or other papers may be served;
4. that the client has the obligation of preparing for trial or hire other counsel to prepare for trial when the trial date has been set;
5. that if the client fails or refuses to meet these burdens, the client may suffer possible default;
6. that the dates of any proceedings, including trial, and the holding of any such proceedings will not be affected by the withdrawal of any counsel;
7. that service of process may be made upon the client at the client's last known address; and
8. of the client's right to object immediately to attorney's intent to withdraw.

The above notification requirements were met by furnishing a copy of this certificate and discussing the same with the client on the date here written.

The client's last known address and telephone number is as follows:

Mr. William W. Williams
[REDACTED]
Mountain City, TN 37683
[REDACTED]

The client is further notified, in person and by this certificate, that if the court permits the withdrawal without a hearing, the effective date of the withdrawal will be the date on which the

Order Permitting Withdrawal is entered. Following effective withdrawal of the attorney, all pleadings, notices, or other papers may be served on the party directly by mail at the last known address of the party until new counsel enters an appearance.

Dated this 10th day of October, 2018.

Laura M. Finch

Laura M. Finch, WVSB #12094
820 Tenth Ave.
Marlinton, WV 24954

**CIRCUIT/FAMILY COURT
POCAHONTAS COUNTY, W.VA.**

Filed in this office this the 10th day
of October, 20 18

Connie M. Carr, Clerk

By Carmay D. Beveridge, Deputy

IN THE CIRCUIT COURT OF POCAHONTAS COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,
Complainant

v.

Criminal Action No. 16-M-AP-01

William W. WILLIAMS,
Defendant

ORDER

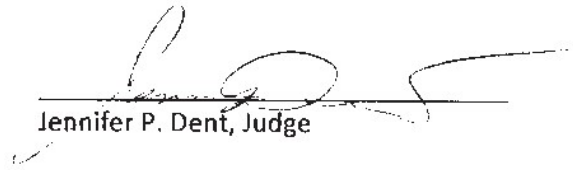
On the 10th day of October, 2019, this matter came before the Court for the purpose of sentencing and disposition, upon the verdict rendered following a bench trial held August 14, 2019.

Thereupon, Counsel for Defendant offered for the Court's consideration her Motion to Withdraw, and represented to the Court that the Defendant was seeking new representation. The Court heard that the Defendant was considering representing himself.

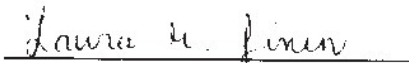
Hearing the Motion, upon receipt of a Certificate of Withdraw and having considered the arguments of counsel, the Court declined to grant the motion to withdraw and ORDERED as follows:

1. The Motion to Withdraw is hereby DENIED;
2. Counsel for Defendant is granted leave to file any post-trial or pre-sentencing motions deemed appropriate;
3. Sentencing and disposition shall be and hereby is continued to December 5, 2019, at 10:00 AM;
4. The Clerk of this Court shall forward a copy of this Order to Patrick I. Via, and to Laura M. Finch.

All of which is SO ORDERED this 26 day of March, 2019. *per the Court, October 19, 2019*


Jennifer P. Dent, Judge

Order prepared by:


Laura M. Finch, WVS# 12094
820 Tenth Ave.
Marlinton, WV 24954

POCAHONTAS COUNTY
CIRCUIT/FAMILY COURT

RECEIVED 3-20-19
By: CMC/CD3

IN THE CIRCUIT COURT OF POCAHONTAS COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

V

CRIMINAL ACTION NO. 16-M-AP-01

WILLIAM WILLIAMS II,

Defendant.

ORIGINAL SENTENCING HEARING

Transcript of excerpt of proceedings had in the non-jury trial of the above-styled action before Honorable Jennifer P. Dent, Judge, as reported by Anne R. Owens, RPR, on October 10, 2018.

APPEARANCES

PATRICK I. VIA, SPECIAL PROSECUTING ATTORNEY, COUNSEL FOR
STATE OF WEST VIRGINIA
LAURA M. FINCH, ATTORNEY AT LAW, COUNSEL FOR DEFENDANT

1 THE COURT: The next matter is in the case of State of
2 West Virginia versus William Williams, Case No. 16-M-AP-01.
3 The matter is scheduled for sentencing this morning. The
4 prosecutor is Patrick Via, special prosecutor in the case. The
5 defendant is present and represented by Laura Finch.
6 Mr. Williams was convicted of a misdemeanor battery charge at a
7 bench trial on August 14th, 2018. It's scheduled today for the
8 purpose of sentencing. I have received a presentence
9 investigative report that's dated September 27th of 2018, as
10 well as an addition to that report dated October 2nd of 2018.
11 Have the parties received that information?

12 MS. FINCH: Yes, Your Honor.

13 MR. VIA: Yes, Your Honor.

14 THE COURT: And is there any reason that we should not
15 proceed with regard to sentencing this morning?

16 MS. FINCH: There is, Your Honor. If I can approach?

17 THE COURT: Yes, ma'am. Ms. Finch, have you shared this
18 motion with the prosecuting attorney's office?

19 MS. FINCH: I have, Your Honor.

20 THE COURT: Any response, Mr. Via?

21 MR. VIA: No.

22 MS. FINCH: I have one ancillary issue that arises upon
23 the presentation of that order, which is an order that was
24 entered by the Court on about the 15th of December of 2016.

1 And that order had indicated to me upon transmission of a ex
2 parte communication that I not share that communication with my
3 client. So in order to transmit the file to Mr. Williams, it
4 would be necessary for me to provide him with that
5 communication.

6 THE COURT: There was a subsequent order entered. Just a
7 moment.

8 MS. FINCH: Perhaps that order is marked the first part
9 of February. But upon the transmission of the second ex parte
10 communication to the Court, I was instructed not to share a
11 copy of that with my client.

12 THE COURT: There was an order entered on November 2nd of
13 2016, where the Court advised the parties that the Court was in
14 receipt of ex parte communications. The Court advised the
15 parties, counsel would receive a copy of that communication
16 from the clerk, should not be shared with counsel's clients
17 unless deemed appropriate due to safety concerns. The Court
18 instructed counsel to review the communications and act
19 accordingly.

20 Subsequently on November 2nd, 2016, upon further
21 consideration of the matter, the Court ordered - and upon
22 receipt of additional information, the Court ordered that the
23 information be under seal, that the clerk file the ex parte
24 communication mailed under seal, and directed counsel not to

1 copy the information, but that counsel could review the
2 communications with their respective clients for the purposes
3 of preparing for litigation in this case. But in no event
4 would a copy of the communication be provided.

5 MS. FINCH: Yes, Your Honor. I just want to be certain
6 that I'm not in violation of the Court order by providing a
7 copy of the entire file to my client.

8 THE COURT: Any response, Mr. Via?

9 MR. VIA: This might predate my involvement in the case.
10 I'm not even sure what we're talking about, to be honest with
11 you. But from what I gather, it would still be inappropriate
12 to copy it. It would remain under seal with the Court. And
13 the next attorney in line, whoever that may be, would certainly
14 have access to it. I think your order is still valid,
15 understanding there still should be no copies made of that. I
16 think that's the most recent order.

17 THE COURT: That is the most recent order. That was
18 dated October 6th.

19 MR. VIA: I don't think there's any reason to change that
20 because we have a change in counsel. The new attorney will
21 have access to the sealed version of the documents, whatever
22 they are, and may review them with his/her client. But copying
23 it still would seem problematic. If it was problematic then, I
24 would think it would be now. I'm not exactly sure of the

1 history of it.

2 THE COURT: Well, the reasons for that were some safety
3 concerns, I believe, if my memory is correct, and therefore
4 those would still exist. So with regard to copying, I agree
5 with Mr. Via, that any new counsel would have access to it,
6 could request that it be obtained through unsealing the court
7 file.

8 MS. FINCH: My client actually objects to the sealing of
9 those documents. So I believe from our conversation this
10 morning that he intends to represent himself. And I need to be
11 certain that I'm not in violation of a Court order by providing
12 him with a copy of the file, which includes the ex parte
13 communication that was sealed by Your Honor's order.

14 THE COURT: But you've had the opportunity to go over all
15 of that communication with your client pursuant to the order,
16 I'm assuming --

17 MS. FINCH: We reviewed it at some point a year and a
18 half ago or nearly two years ago. Yes, Your Honor.

19 THE COURT: Well, I also am going to -- well, let me
20 first clarify, Ms. Finch. Are you requesting withdraw? Are
21 you requesting to withdraw from this case or is your client
22 seeking your withdraw?

23 MS. FINCH: We have agreed that I would withdraw.

24 THE COURT: Mr. Williams, you're also a part of that

1 agreement. You're requesting her withdraw?

2 THE DEFENDANT: It's mutual.

3 THE COURT: With regard to the sentencing hearing, I also
4 need to disclose on the record that it has come to my attention
5 that Mr. Williams may seek to file a complaint against the
6 Court. If that is -- I am intending to proceed with sentencing
7 unless there is an issue wherein Mr. Williams believes that I
8 should not be doing so. And if so, that would need to be in
9 the form of a written motion.

10 So what I'm going to do today is I'm going to allow,
11 Ms. Finch, your withdraw.

12 Mr. Williams, I am going to reschedule the sentencing
13 hearing. You would need to appear with counsel at the
14 sentencing hearing. Also if there's any reason you believe
15 that this Court should not proceed with your sentencing, that
16 would need to be in a formal motion. Otherwise, I would intend
17 on proceeding with sentencing in this matter. I could
18 reschedule the sentencing hearing in order to give you an
19 opportunity to get counsel prior to the sentencing.

20 To answer your question, Ms. Finch, I am not going to -
21 at this point, the Court's order of November the 2nd, which
22 allowed the communication to be shared with your client but not
23 copied, I'm going to leave that order in place. In the event
24 counsel comes in to the case, then they obviously could file a

1 motion concerning that particular information.

2 THE DEFENDANT: Ma'am, could I ask a question? If I
3 choose to represent myself, am I entitled to see this ex parte
4 communication?

5 THE COURT: I'll address that when there's a written
6 motion before me.

7 MS. FINCH: May we approach?

8 THE COURT: Yes, ma'am.

9 (off-the-record discussion between counsel and the Court)

10 THE COURT: After the parties have approached and there's
11 been in chambers consultation, at this time, I'm going to - or
12 communication, I should say, I'm going to deny the motion to
13 withdraw as counsel at this time. I'm going to reschedule the
14 sentencing hearing. And I'll give the parties ample
15 opportunity between now and then. I could reschedule this
16 matter to December the 5th, which is a Wednesday, at 10:00 a.m.
17 And as I previously indicated, if there is any motion that the
18 parties believe need to filed with regard to this Court
19 conducting the sentencing hearing, then I would ask that any
20 motion be filed prior to December the 5th. Otherwise, I'll go
21 forward on that day with regard to sentencing.

22 Are there any other matters to address today?

23 MS. FINCH: What time on the 5th?

24 THE COURT: At 10:00. 10:00 a.m. on December the 5th.

1 MS. FINCH: Thank you.

2 THE DEFENDANT: I have a question. I understand that I
3 can't - motion for a retrial or appeal it to the superior - I
4 mean, the Supreme Court until after sentencing. But prior to
5 sentencing, I was supposed to get this victim impact statement
6 ten days prior to today. And I just got it last week. And I
7 just read it last night.

8 THE COURT: Well, I'll let you speak with Ms. Finch about
9 that. But there will be ample opportunity to review all that
10 information between now and December 5th because sentencing
11 will not take place until December the 5th at 10:00.

12 So we'll stand adjourned until that time.

13 * * * *

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1 STATE OF WEST VIRGINIA,
2 COUNTY OF POCAHONTAS, to-wit:
3

4 I, Anne R. Owens, RPR, Official Court Reporter of the
5 Circuit Court of Pocahontas County, West Virginia, do hereby
6 certify that the foregoing is a true and correct transcript of
7 the proceedings had and testimony taken in the hearing of the
8 action of 16-M-AP-01.

9 I hereby further certify that the transcript within meets
10 the requirements of the Code of the State of West Virginia,
11 51-7-4, and all rules pertaining thereto as promulgated by the
12 Supreme Court of Appeals.

13 Given under my hand this 25th day of February, 2019.
14
15
16

17 Anne R. Owens, RPR
18 Circuit Court of Pocahontas County
19
20
21
22
23
24

IN THE CIRCUIT COURT OF POCAHONTAS COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,
Complainant

v.

Criminal Action No. 16-M-AP-01

William W. Williams,
Defendant

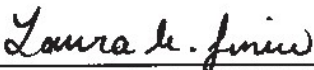
MOTION FOR NEW TRIAL

NOW COMES the Defendant, by counsel Laura M. Finch, requesting an order of the Court granting a new trial in the within matter, stating in support thereof as follows:

1. Defendant believes that he received an unfair trial due to numerous ex parte communications from the complaining witness, which the complaining witness repeatedly submitted to the Court despite requests and directions not to do so, and the complaining witness's actual knowledge that it was impermissible for her to do so;
2. Defendant requested of his defense attorney that she cross-examine the complaining witness regarding the voluminous ex parte communications, which she failed to do;
3. Defendant desired in the trial of this matter to present the testimony of Fred Streed, an out-of-state witness, whose travel was arranged for trial but who was unable to attend due to a health emergency;
4. Defendant desires in a new trial to present the testimony of Kevin Strom, who was present for trial but who has since informed the Defendant of telephone calls made to him by the victim shortly after the events alleged in the State's Criminal Complaint.

WHEREFORE, Defendant requests an Order of the Court granting a new trial in the within matter.

William W. Williams
by counsel



Laura M. Finch, WVSB #12094
820 Tenth Ave.
Marlinton, WV 24954

IN THE CIRCUIT COURT OF POCAHONTAS COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,
Complainant

v.

Criminal Action No. 16-M-AP-01

William W. Williams,
Defendant

Certificate of Service

I, Laura M. Finch, hereby certify that I have this 7 day of February, 2019, provided unto the Special Prosecuting Attorney in the within case, Patrick I. Via, a true copy of the foregoing Motion for New Trial via facsimile and U.S. Mail, addressed as follows:

Patrick I. Via, Esq.
PO Box 911
Lewisburg, WV 24901

Laura M. Finch

Laura M. Finch, WVSB #12094
820 Tenth Ave.
Marlinton, WV 24954

CIRCUIT/FAMILY COURT
POCAHONTAS COUNTY, W.VA.

Filed in this office this the 7th day

of February, 2019
Dianne H. Clark Clerk

IN THE CIRCUIT COURT OF POCAHONTAS COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,
Complainant

Criminal Action No.16-M-AP-01

v.

William W. Williams
DefendantAMENDMENT FOR MOTION FOR NEW TRIAL

COMES NOW the Defendant this 8th day of February, 2019, with this Amendment to his Motion For New Trial that his counsel filed the previous day, 7 February, 2019.

Attached are copies of two emails, combined on one sheet, that were sent to counsel Laura M. Finch before she filed the Motion For New Trial. The first email to her by Defendant at 10:41AM on 7 February requests that she include Defendant's need to strengthen the Motion by including in his "new evidence" for a new trial: both the unsealed ex parte communications to the Judge in this matter as well as his accuser's victim impact statement. Both the three ex parte communications (over 101 pages total) and the victim impact statement (13 pages) are in evidence and central to Defendant's defense of serious unsubstantiated allegations of criminality made against him by his accuser therein, but not used at trial. The second email to Ms. Finch is from Defendant's wife Lana Williams, made in the afternoon of 7 February at 3:31PM, when she realized that the Motion For New Trial that counsel was filing did not include all that her husband, the Defendant, was adamant about including in the Motion For New Trial in order to strengthen it.

A second attachment is to bolster the mention of Defendant's primary witness Fred Streed. Mr. Streed's sworn Affidavit (five pages), which raises reasonable doubt about the veracity of Defendant's accuser. This sworn document was submitted to the court but not admitted. No Court officer, nor any investigator, including Defendant's counsel ever called Mr. Streed, who now resides in the state of Oregon, to question what he swears to as true in his Affidavit.

WHEREFORE, Defendant respectfully submits this Amendment.

WILL W. WILLIAMS



William W. Williams, Defendant


Mountain City, TN 37683

IN THE CIRCUIT COURT OF POCAHONTAS COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,
Complainant

Criminal Action No.16-M-AP-01

v.

William W. Williams
DefendantCertificate of Service

I, Will W. Williams, hereby certify that I have this 8th day of February, 2019, provided unto the Special Prosecuting Attorney in this case, Patrick I. Via, a true copy of the amended Motion for New Trial with two attachments, submitted by Defendant via facsimile, as follows:

Patrick I. Via, Esq.
FAX: (304) 647-6671

This Defendant's Amendment to his Motion For New Trial that was filed by counsel on 7 February, 2019, is, due to the delayed filing of that Motion For New Trial so close to Defendant's sentencing date of 12 February, 2019.

This Amendment is sent this 8th day of February, 2019, to Defendant's counsel via email at this address: <laurafinch@outlook.com>.

WILL W. WILLIAMS



William W. Williams, Defendant

Mountain City, TN 37683

CIRCUIT/FAMILY COURT
POCAHONTAS COUNTY, W.VA.Filed in this office this the 8th day
of February, 2019
Conna McLean, ClerkLef. Candy D. Beverage,
Deputy

Fwd: P.S. to "from Lana on Will's request"

Subject: Fwd: P.S. to "from Lana on Will's request"

From: Will Williams <[REDACTED]@gmail.com>

Date: 2/8/19, 10:14 AM

To: National Alliance Chairman <[REDACTED]@natall.com>

----- Forwarded message -----

From: Will Williams <[REDACTED]@gmail.com>

Date: Thu, Feb 7, 2019 at 3:33 PM

Subject: Re: P.S. to "from Lana on Will's request"

To: Laura Finch <laurafinch@outlook.com>

Laura, I am sure that Will will get upset that you didn't mentioned VIS as a new evidence in a motion for new trial as he asked you. Hopefully, it's not too late to add it.

Thanks,
Lana

On Thu, Feb 7, 2019 at 10:02 AM Will Williams <[REDACTED]@gmail.com> wrote:

Laura, What I want you to add to your motion for new trial to strengthen it as "new evidence" will be the three unsealed ex parte communications to the judge *and* the Victim Impact Statement that were not used in my defense at trial.

For the motion for new trial to be made even stronger, please add two serious grounds :

- The main witness couldn't be at trial due to the serious health problem.
- Another important witness was found after the trial.

If Judge Dent denies motion for a new trial, despite several serious grounds for one, having these on the record will be useful to me when appealing the verdict to WV Supreme Court.

Will

Print

<https://www.lawdepot.com/LawDepotEditor/dialogs/Law...>

Magistrate Court of Pocahontas County, WV

GARLAND E. DECOURCY
MILL POINT, WV

15-M38M-00687

Plaintiff

-vs-

Will W. Williams

Laurel Bloomery, TN

Defendant

AFFIDAVIT

I, Fred G. Streed, of Klamath Falls, Oregon, MAKE OATH AND SAY THAT:

1. I, Fred G. Streed, of Klamath Falls, Oregon, was present on the properties belonging to the National Alliance and the Cosmotheist Community Church, located near Mill Point, Pocahontas County, in the state of West Virginia, along with my wife, Marta A. Streed, from September 14th, 2015, through October 3rd, 2015. I worked on the National Alliance staff from August, 1992 until August, 2003, and was president of the board of directors from June, 1996 until August, 2003, and lived on the property during that time. I was also executor of the estate of Dr. William Pierce after he died in 2002. During our 2015 visit we stayed in a house belonging to the National Alliance. While there I had several conversations with Garland Corse, also known as Garland De Courcy, or as "Gael", whom I will hereafter refer to as "Garland." I had known Garland since the early 1990s.
2. Garland had been hired by Will W. Williams of Laurel Bloomery, Tennessee, Chairman of the National Alliance, to work on the National Alliance-Cosmotheist Community Church Property. She was living in a house adjacent to her workplace belonging to Bob Demarais, a man my

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wife and I had worked with for several years and who we consider to be a friend. There was also a young man employed by Mr. Williams to work with Garland, who went by the name "Michael Oljaca," and who was introduced to me as "Michael Olanich," and whose living quarters were in an office building on the property.

3. During conversations with Garland it became apparent that she was insisting events happened that I knew to be untrue. As an example Garland insisted that the FBI had "raided" the National Alliance several times, with search warrants, including several times prior to the death of founder and former chairman of the National Alliance, Dr. William L. Pierce. I knew this to be untrue because I was there and I would have known about any "raids", there were none. Garland would spend an hour or more detailing convoluted conspiracy theories and I began trying to avoid her while we were there. See "Exhibit A" for more on this.
4. After we had been there for around a week she began to claim Will W. Williams was involved in what I considered her increasingly unlikely conspiracy theories. It was apparent to my wife and me that there was a lot of friction between the people involved there, and I explained to all parties that I did not want to become involved in other people's feuds. Many of the people involved are friends, and I hoped things would improve. On September 30th, 2015, Mr. Williams told me he and Garland had just had a heated conversation. I talked with Mr. Williams right after it happened, he was calm and did not appear angry. I also talked with Garland and Mr. Olanich soon after my conversation with Mr. Williams. She seemed very excited and angry but made no mention of an assault on her. I did not see any bruises on her throat or other signs of a physical altercation.
5. My wife and I left WV a few days after this, on October 3rd, 2015 to return to Oregon. I told Garland and Mr. Olanich to call me on my cell phone if they had any more problems. I thought I could possibly help defuse any situations that developed by talking by phone to those involved. About 3 or 4 days after we left I called and talked with Garland, it seemed that things had calmed down.

03/24/2016 02:42 PM

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SUBSCRIBED AND SWORN TO
BEFORE ME, on the
24th day of March, 2016

Erika Ochoa

NOTARY PUBLIC

My Commission expires:

Nov '9' 2019

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Fred. G. Shedd

Fred G. Streed

5228 COTTAGE AVE.
KLAMATH FALLS, OR
97603

(541) 591-6597

EXHIBIT "A"

Fred G. Streed
5228 Cottage Ave.
Klamath Falls, OR 97603
Phone; 541-591-6597

Falsehoods in email from Garland De Courcy to George Wright

I recently had this email from Garland De Courcy to George Wright forwarded to me. The entire email is long so for brevity I will just quote a few passages containing falsehoods concerning my wife and myself, and which I know from first hand experience to be false. Garland's quotes are in italics and quotation marks, my replies are in in normal text.

1.) Garland said: *"When Fred & Marta were here they warned Mike Oljaca & I many times of Williams also. They said with Will it will not work, for everyone to give up, the NA is dead & to let Dr. Ps work be his legacy & stand on it's own, & live on that way. They told us to leave, to get out fast."*

My reply: This is the opposite of the truth. I had thought the National Alliance was finished as an organization under the chairmanship of Mr. Gliche. I expressed to Garland and Mike Oljaca that I was excited about Mr. Williams' appointment as Chairman of the National Alliance and that I thought he was an excellent choice for the position.

2.) Garland said: *"WE just couldn't give up yet. And Fred had to protect both of us also."*

My reply: I did not have to protect them from anyone, nor were they ever in any danger that I was aware of.

3.) Garland said: *"They did NOT want to be in the bulletin seen supporting Williams. He put that picture in there with out their permission."*

My reply: Mr. Williams asked me if he could put Marta and my pictures in the next bulletin. I said yes, no problem. If we had not wanted our pictures in the bulletin I would have said so.

4.) Garland said: *"We only got a new working hot water heater in Gate house because Fred & Marta stayed there & had to also point out the need to Will so they could shower. He actually tried to get them to pay for it. But then Will make Fred install it."*

My reply: The water heater in the "Gate house" worked but the lower element was burned out and new elements were no longer made for it. I suggested to Mr. Williams that it should be replaced with a new heater. Mr. Williams and I went to a hardware store in Marlinton, WV, and bought a new replacement. He paid for it. There was never any suggestion or attempt to get me to pay for it. Mr. Williams did not "make me install it." I offered to install it since Chairman Williams had been kind enough to let us stay in the house for free while we were there I thought it was only right to help out by installing the water heater.

5.) Garland said: *"And recall the 2 times Will was fired & kicked out the gate by Dr. P. 1994 when he was beating & restrained his 2nd wife Albina, & my right hand man in my VA unit who was law enforcement was called to come up to WV & get his wife to a hotel & guard it with another while Will was kicked out, as to not bring harm to NA."*

EXHIBIT "A"

My reply: I was on the National Alliance staff and living on the property when these events supposedly took place. Williams was not fired. His marriage to Albina was not working out. As far as I knew Albina was never threatened or assaulted by Mr. Williams. She just simply left him. He was not "kicked off the property." No one had to "guard" Albina when she left.

GARLAND DIDN'T HAVE A "VA UNIT",

Fred G. Streed



Date 24 March, 2016



IN THE CIRCUIT COURT OF POCAHONTAS COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,
Complainant

v.

Criminal Action No. 16-M-AP-01

William W. Williams,
Defendant

MOTION TO UNSEAL EX PARTE COMMUNICATIONS


COMES NOW the Defendant, by counsel Laura M. Finch, requesting an order of the Court vacating those prior orders directing that certain ex parte communications be sealed in the court file and not provided to the Defendant:

1. On or about October 6, 2016, the complaining witness in this matter submitted to the Court a certain ex parte communication;
2. The Court forwarded the communication to counsel, who the Court instructed not to share the ex parte communication with the Defendant, unless deemed appropriate, due to safety concerns;
3. By Order entered October 28, 2016, the Court set a status hearing in the case for November 2, 2016, and requested additional security for the hearing;
4. Defendant appeared by telephone for the November 2, 2016 hearing, and Ms. Decoursey was instructed not to submit any further ex parte communications to the Court;
5. On or about November 28, 2016, the complaining witness in this matter submitted to the Court a second ex parte communication, which the Court provided to the parties, however, directing that defense counsel in no event make a copy of such communication and provide it to defendant;

6. On or about December 2, 2016, the Office of the Prosecuting Attorney of Pocahontas County sought appointment of a special prosecutor due to allegations contained in the ex parte communications from the complaining witness;
7. By orders entered December 14, 2016, the Court sealed the ex parte communication and the second ex parte communication in the Court file (orders attached);
8. By Order entered December 14, 2016, the bench trial previously scheduled was continued to allow for appointment of a special prosecutor;
9. Defendant appeared by telephone for a pre-trial status hearing on February 1, 2017, wherein also appeared a designee to the special prosecutor;
10. At the hearing held February 1, 2017, the Court directed that the second ex parte communication be sealed without objection from counsel for Defendant;
11. Following the trial in this matter, the Defendant obtained a docket sheet from the Circuit Clerk's office and became concerned that the ex parte communications in this matter had been sealed; moreover, because the Defendant desires to be a full participant in his defense, including post-conviction proceedings, he desires to be provided a complete copy of the ex parte communications, which his counsel has been instructed not to provide;
12. The Defendant believes that, pursuant to Canon 3B of the Canons of Judicial Conduct, he is entitled to a complete copy of the ex parte communications at issue;
13. The Defendant believes that, insofar as the complaining witness intended to make public the allegations against the Defendant, they should remain unsealed in the Court file for public inspection.

WHEREFORE Defendant requests of this Honorable Court an Order vacating the prior orders of December 14, 2016, directing that the ex parte communications of the complaining witness be sealed in the Court file.

William W. Williams
by counsel



Laura M. Finch, WVSB #12094
820 Tenth Ave.
Marlinton, WV 24954

IN THE CIRCUIT COURT OF POCAHONTAS COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,
Complainant

v.

Criminal Action No. 16-M-AP-01

William W. Williams,
Defendant

Certificate of Service

I, Laura M. Finch, hereby certify that I have this 7 day of February, 2019, provided unto the Special Prosecuting Attorney in the within case, Patrick I. Via, a true copy of the foregoing Motion to Unseal Ex Parte Communications via facsimile and U.S. Mail, addressed as follows:

Patrick I. Via, Esq.
PO Box 911
Lewisburg, WV 24901

Laura M. Finch
Laura M. Finch, WV SB #12094
820 Tenth Ave.
Marlinton, WV 24954

**CIRCUIT/FAMILY COURT
POCAHONTAS COUNTY, W.VA.**

Filed in this office this the 7th day
of February, 2019
Dianne M. Davis, Clerk

IN THE CIRCUIT COURT OF POCAHONTAS COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,
Complainant

v.

Criminal Action No. 16-M-AP-01

William W. Williams,
Defendant

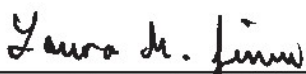
MOTION FOR HEARING REGARDING VICTIM IMPACT STATEMENT

COMES NOW the Defendant, by counsel, requesting a hearing regarding the victim impact statement provided to the Court on or about October 8, 2018, and stating in support thereof as follows:

1. The victim impact statement provided by the complaining witness contains many falsehoods also contained in the ex parte communications provided by the complaining witness;
2. Defendant desires the opportunity to address each of these falsehoods, which would require substantial time on the Court's Docket;

WHEREFORE, Defendant requests that a hearing be scheduled prior to sentencing in this matter at which time he might have the opportunity to confront his accuser regarding the matters contained in the victim impact statement.

William W. Williams
by counsel



Laura M. Finch, WVSB #12094
820 Tenth Ave.
Marlinton, WV 24954

IN THE CIRCUIT COURT OF POCAHONTAS COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,
Complainant

v.

Criminal Action No. 16-M-AP-01

William W. Williams,
Defendant

Certificate of Service

I, Laura M. Finch, hereby certify that I have this 1 day of February, 2019, provided unto the Special Prosecuting Attorney in the within case, Patrick I. Via, a true copy of the foregoing Motion for Hearing Regarding Victim Impact Statement, via facsimile and U.S. Mail, addressed as follows:

Patrick I. Via, Esq.
PO Box 911
Lewisburg, WV 24901

Laura M. Finch
Laura M. Finch, WWSB #12094
820 Tenth Ave.
Marlinton, WV 24954

CIRCUIT/FAMILY COURT
POCAHONTAS COUNTY, W.VA.

Filed in this office this the 14 day

of February, 2019

Christine M. Hays Clerk

IN THE CIRCUIT COURT OF POCAHONTAS COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

V

CRIMINAL ACTION NO. 16-M-AP-01

WILLIAM WILLIAMS II,

Defendant.

SENTENCING HEARING

Transcript of excerpt of proceedings had in the non-jury trial of the above-styled action before Honorable Jennifer P. Dent, Judge, as reported by Anne R. Owens, RPR, on February 12, 2019.

APPEARANCES

PATRICK I. VIA, SPECIAL PROSECUTING ATTORNEY, COUNSEL FOR
STATE OF WEST VIRGINIA
LAURA M. FINCH, ATTORNEY AT LAW, COUNSEL FOR DEFENDANT

1 THE COURT: The first case this morning is State of West
2 Virginia versus William Williams. It's Case No. 16-M-AP-01.
3 It's scheduled on the docket for purposes of sentencing. And I
4 have received a presentence report. We'll go over that in a
5 moment. There's also been filed a motion for new trial, as
6 well as a motion for hearing on victim's impact statement, and
7 a motion for unsealing ex parte communication. What I would
8 like to do is take up the motions prior to sentencing.

9 MS. FINCH: Thank you, Your Honor.

10 THE COURT: Ms. Finch?

11 MS. FINCH: If I could please first present our motion to
12 unseal the ex parte communications. Your Honor, as you're
13 aware, there were, on two occasions generally but three
14 occasions more specifically, ex parte communications submitted
15 to the Court by the victim, alleged victim in this matter. And
16 we're asking that those ex parte communications be unsealed.

17 The basis for that is the general procedure by which an
18 opposing party would be provided with a copy of the ex parte
19 communication and allowed the opportunity to respond to that.
20 My client was not present for the hearing, which was the
21 primary hearing where the ex parte communications were
22 discussed. He was granted leave to appear by telephone for
23 that hearing. I have, in the course of filing this motion,
24 reviewed some e-mails from that - around that time. And it

1 appeared that I advised him that I could not appear on his
2 behalf in a criminal matter. However, subsequent to that, he
3 must have requested via telephone permission to appear by
4 telephone and was granted that leave to appear by telephone for
5 that special hearing. It was scheduled on perhaps a week, a
6 week-and-a-half notice upon the Court's receipt of what
7 would've been the second - generally the second ex parte
8 communication.

9 My client - excuse me. Your Honor, the Court's order at
10 those times indicated that I not share those ex parte
11 communications with my client. My client's position is that
12 that was improper, for the Court to seal those ex parte
13 communications and forbid me to share copies of those
14 communications with him. What's been shared with me today is
15 that I believe I did provide a copy of the first one prior to
16 the Court's order directing that that not be provided. My
17 recollection is that -- because the orders directing that they
18 not be provided and there was a letter also referencing that
19 they not be provided.

20 Those communications or those orders came around
21 generally the time of the second ex parte communication. By
22 the time of the receipt of Your Honor's letter, I had already
23 shared that first communication with him. So, he does have,
24 it's my understanding, a copy of that first communication.

1 However, what he's requesting from the Court is that all of
2 those communications be unsealed, that they be public record in
3 the file, and that he be permitted to have a copy of those
4 records, those ex parte communications, which he believes is
5 his right pursuant to the general procedure. Thank you, Your
6 Honor.

7 THE COURT: I do need to note for the record before going
8 any further that the parties in appearance today are Patrick
9 Via, special prosecutor, as well as the defendant, William
10 Williams, represented by Laura Finch.

11 Mr. Via, do you have a response to the motion?

12 MR. VIA: Don't really have a strong position on it,
13 Judge. The communications at issue, I'm somewhat familiar with
14 them. They all took place before my involvement in the case.
15 And I'm aware of the Court's directions relative to them at the
16 time that they occurred. Ex parte communications are dealt
17 with, I think, exactly in the manner in which the Court dealt
18 with them. It did not become part of this Court's
19 consideration for purposes relative to this matter, as it
20 shouldn't have. And it was sealed and otherwise cast from the
21 record, so to speak, in an appropriate way.

22 At this point, the matter is - the matter on the merits
23 at least at this point is concluded. We're here for
24 sentencing. I frankly don't have any idea what difference

1 sealing or unsealing these communications would make at this
2 time. If they are something that might be necessary to affect
3 an appeal or something, maybe. I could understand that.

4 But, frankly, the state is just not going to take a hard
5 approach to this either way. The Court knew what it was doing
6 then. I trust the Court knows what it's doing now and can
7 direct these communications to be dealt with in any manner the
8 Court thinks is appropriate.

9 THE COURT: Ms. Finch, any response?

10 MS. FINCH: I think my client would like the opportunity
11 to be heard on this.

12 THE COURT: Are you wishing to put his testimony on with
13 regard to your motion?

14 MS. FINCH: Your Honor, although if the Court - if the
15 Court finds that to be the appropriate manner in which to
16 handle it.

17 THE COURT: If you want the Court to consider evidence
18 with regard to your motion outside counsel's argument on the
19 motion, then I need - believe you need to present the evidence.

20 MS. FINCH: I think that Mr. Williams was just asking me
21 if he could present argument.

22 THE COURT: Given that you serve as his counsel, I would
23 take the argument through counsel.

24 MS. FINCH: Yes, Your Honor. All right, Your Honor.

1 This issue arose in the weeks following the trial that was held
2 in this matter several months ago. And in the weeks following
3 trial, Mr. Williams was in communication with the clerk's
4 office. The clerk of the court provided him a copy of the
5 docket sheet in this case, which referenced the hearing that
6 we've been discussing which was a special hearing held to
7 discuss the ex parte communications.

8 On the clerk's docket sheet for that hearing, the
9 notation is that - I believe it is that my client appeared by
10 telephone. But my client does not recall appearing by
11 telephone. The clerk's notation is that defense counsel did
12 not object to the ex partes insofar as they were sealed. And
13 it's my client's direction following receipt of that docket
14 sheet that he very much would have objected to those ex parte
15 communications, that he believes he has the right to dispute
16 the facts that were alleged in those communications, and to
17 cross-examine the submitter of those communications in order to
18 ensure that those matters which were untrue which were
19 contained in ex parte communications are not considered by the
20 Court.

21 So it was upon his receipt of those notations from the
22 clerk's docket sheet that he became very concerned with the
23 fact that the Court had sealed those in the file. Prior to
24 that, around the time of the hearing that we're discussing, he

1 was aware of the Court's directive that I not provide him with
2 a copy of those ex parte - that second set of ex parte
3 communications. He was aware of that. And some of those facts
4 play in to one of our later motions.

5 THE COURT: Upon review of the record, I'll first note,
6 Ms. Finch, that in your motion, you've cited Canon 3B. I
7 believe that was the law from '93 to December 1st of 2015. But
8 what you're referring to is Rule 2.9 concerning ex parte
9 communications through the Judicial Code of Conduct.

10 Now with regard to the history of this case, there was an
11 order entered on - there was a hearing held. A status hearing
12 was held on November the 2nd. Present at that status hearing
13 was Keith McMillion, prior prosecutor in the matter, on behalf
14 of the state. The defendant appeared by telephone. And you
15 appeared as counsel. Also, the alleged victim in the matter,
16 Garland DeCourcy, appeared in person and by counsel, Kristopher
17 Faerber, who appeared by telephone. And that was upon
18 agreement of all parties.

19 At that time, the Court advised the parties that it had
20 received ex parte communication from Garland DeCourcy. I
21 further advised the parties that they would receive a copy of
22 the communications from the clerk and the same should not be
23 shared with counsel's clients unless deemed appropriate due to
24 safety concerns because of the nature of the ex parte

1 communication.

2 The Court instructed counsel to review the communication
3 and act accordingly. And the matter remained on the trial
4 docket for December the 15th of 2016. Subsequently, the Court,
5 on its own motion and upon receipt of ex parte communication
6 that was mailed to the Court by Garland DeCourcy on October the
7 6th of 2016 by priority mail, appeared - at the time of the
8 hearing -- and I'm referring to the order that was subsequently
9 entered on December the 14th of 2016. And the Court states
10 that upon consideration of the matter and upon receipt of
11 additional information, the Court shall forthwith file under
12 seal the ex parte communication mailed to the Court on October
13 the 6th from Garland DeCourcy and further directs all counsel
14 which are in receipt of a copy of said communication not to
15 copy same. That order goes on to say, counsel may review the
16 communications with his or her respective client for purposes
17 of preparing for litigation in this case. But in no event
18 shall counsel provide a copy of the communication to his or her
19 client. The communication shall remain under seal in the Court
20 file.

21 So the rule, the ethics rule is if a judge inadvertently
22 receives unauthorized ex parte communication bearing upon the
23 substance of a matter, the judge shall make provisions promptly
24 to notify the parties of the substance of the communication and

1 provide the parties with an opportunity to respond. There was
2 a hearing regarding the ex parte communications received. I
3 advised counsel, and not only advised counsel of each of these
4 ex parte communications, but also provided counsel a copy of
5 the communications. Due to the nature of the ex parte
6 communication, I did believe it appropriate to grant a
7 protective order to the extent that you could share the
8 information with your clients for purposes of litigation if you
9 chose to. You could share it. Your client could read it. The
10 only protective provision was not to allow a copy of the
11 information to be provided to the client individually.

12 I also need to state that that information, that there
13 was a subsequent or another order on December the 14th of 2016
14 that directed the clerk provide a copy of that communication to
15 counsel for the defendant and to the West Virginia Prosecuting
16 Attorney's Institute, attention Philip Morris II, as, at that
17 time, there was a request for a special prosecutor.

18 So I believe that the ex parte communication was dealt
19 with in an appropriate manner under the code. I also believe
20 that your counsel had full access to any and all of that
21 communication. The only protective provision was that copies
22 of the information not be made available. But as far as access
23 to any and all of that information and the knowledge contained
24 in any of that ex parte communication, was provided to counsel,

1 as well as counsel had the opportunity in all respects to
2 review it, just could not copy it for the defendant. So based
3 upon that and the previous orders of the Court, I'm going to
4 deny your motion. Which would bring us then to, I believe, the
5 motion for a new trial.

6 MS. FINCH: Thank you, Your Honor. As we've referenced
7 earlier, Your Honor, my client was, upon receipt of the docket
8 sheet in this case, reminded of the numerous ex parte
9 communications the Court had received by the alleged victim.
10 And while I didn't receive any communication for a period of
11 time following the trial, it was when this matter was intended
12 to come to a sentencing hearing that my client informed me that
13 he believed - and he did discuss this earlier in the case -
14 that the alleged victim should have been cross-examined on the
15 ex parte communications for the purpose of showing that she was
16 untruthful.

17 There are numerous falsehoods contained in her ex parte
18 communication that my client believes that she should have been
19 cross-examined regarding. That was a matter of trial strategy.
20 And it was certainly my intent to provide my client with a fair
21 trial and a competent defense in this case. However, he is of
22 the opinion that were the matter to come to a new trial, where
23 the victim was cross-examined with not only the ex parte
24 communications, but also with the victim impact statement that

1 she has submitted, which contains much of the same material as
2 the ex parte communications, that he would be acquitted.

3 He also asks the Court to grant him a new trial based
4 upon the fact that an out-of-state witness, whose appearance
5 had not been secured by any sort of commission for a subpoena,
6 had travel arrangements and was intending to attend the trial
7 that was held in this case, but that due to a health emergency,
8 he was unable to board that plane the day preceding the trial.

9 He also asks that the Court grant him a new trial based
10 upon the testimony of at least one person who was present in
11 the courtroom on the day of the trial who later stated to the
12 defendant and his wife that he had had a telephone call with
13 the alleged victim, which was inconsistent with her testimony
14 at trial.

15 So based upon evidence that was not presented in the
16 trial in this matter and - for that reason, the defendant is
17 asking that the Court grant his motion for a new trial,
18 understanding that it was not filed ten days after the verdict.
19 However, it was discussed at around the time that this matter
20 was intended to come up with the Court for sentencing. Thank
21 you, Your Honor.

22 THE COURT: Mr. Via?

23 MR. VIA: Judge, first, the state has no objection to the
24 timing of the motion. Ten days or otherwise, there's no

1 objection to the Court undertaking to consider this matter.

2 As to the substance of the motion, the evidence not
3 presented is not new. It was available. And new trials are
4 granted, if granted, sometimes on the basis of new or
5 discovered evidence. These are people that were known to the
6 defendant. Certainly, they would not constitute, for new trial
7 purposes, new or newly-discovered evidence. Plus, I mean, it's
8 evidence that seems to go to the credibility of another
9 witness. So I think the Court has to look at it very carefully
10 as to whether it would merit a new trial anyway.

11 The victim was on the witness stand for a considerable
12 period of time. Cross-examined vigorously. So, there was no
13 lack of opportunity to confront one's accuser here. That was
14 granted immeasurably in the trial. There's nothing alleged
15 here that would constitute grounds for a new trial relative to
16 unrepresented evidence.

17 Now as to the question of apparently a complaint on the
18 defendant's part about what Ms. Finch did or did not do in the
19 trial. I was here. And I've tried lots of cases. And
20 Ms. Finch did a very competent job trying this case. There is
21 absolutely no question about that. Anybody in the room that
22 day knows that. The victim was thoroughly cross-examined.
23 Mr. Williams chose on his own accord to testify, which was his
24 right to do or not do as he chose. He testified. His direct

1 examination was very thorough. This case was tried very well.
2 We can always look back. And I do it all the time after
3 trials. I could've done this, could've done that. I mean, we
4 always have that exercise. But the reality is, this Court
5 heard the case.

6 And this Court has tried cases and cases for years and
7 years. And this Court knows the case was tried very well. And
8 strategical or tactical disagreements between an attorney and
9 his or her client happen from time to time. But that's just
10 what they are. They're just tactical and strategical
11 considerations, which is a far cry from any kind of
12 ineffectiveness of counsel. So, certainly, there would be no
13 new trial grounds relative to Ms. Finch's performance in the
14 course of this trial, Judge.

15 So therefore as a whole, the state would object to the
16 motion. It just doesn't meet the threshold required for a new
17 trial consideration.

18 THE COURT: Any response?

19 MS. FINCH: Your Honor, again, my client wishes to be
20 heard on the matter. But insofar as the Court has already
21 directed that argument be presented through me, my argument
22 would be that the victim impact statement, which contains much
23 of the same information as these ex parte communications, and
24 the ex parte communications contain numerous falsehoods that

1 have the tendency to inflame the Court, that my client
2 vigorously denies the veracity of, that the victim impact
3 statement is new evidence insofar as it was not evidence
4 available to the Court previously. And it was much of what was
5 contained in sealed documents. That it certainly was a trial
6 strategy choice not to introduce at trial sealed documents
7 which would have the tendency to be inflammatory. My client
8 wishes to argue that insofar as the alleged victim submitted
9 these numerous filings to the Court and that they contain so
10 many falsehoods, it should be persuasive to the Court that she
11 is not a person to be trusted.

12 THE COURT: Well, I've reviewed the motion and I've also
13 reviewed the case of *State v King*, which is 173 WV 164. It
14 basically goes over, a new trial will not be granted on grounds
15 of newly-discovered evidence unless the case comes within the
16 following rules. And it names five rules. One of which is -
17 number five indicates that the new trial will generally be
18 refused when the sole object of the new evidence is to
19 discredit or impeach a witness on the opposite side. It also
20 cites a case, *State v Hamric*. It says a new trial on the
21 ground of after-discovered evidence or newly-discovered
22 evidence is seldom granted. And the circumstance must be
23 unusual or specific.

24 Here, you are basically requesting a motion for a new

1 trial on evidence that was - or information that was known.

2 It's not newly-discovered evidence following trial. You had a
3 witness who, because of a flight or an illness, did not show up
4 for the trial. But as you indicate, Ms. Finch, it does - it
5 was also a matter of trial strategy. That is a strategy that
6 you and your client discussed and went forward with on the date
7 of trial.

8 I don't see any grounds stated in case law that would
9 allow a new trial. And it does appear that your concern is the
10 credibility of the witness. And again as I stated, the ex
11 parte communications, relevant or not relevant, was an issue I
12 left to counsel. The parties had that available to them. The
13 only protective factor was a failure to copy.

14 And I do believe that the matter - as I recall the trial,
15 it was a trial where the parties did thoroughly appear to
16 question witnesses and had investigated the matter. And I
17 don't believe that there's been really any cause presented this
18 morning that is appropriate for purposes of a new trial. There
19 does not appear to be new evidence in question. It was just a
20 matter trial strategy. And I'm going to deny the motion.

21 MS. FINCH: Your Honor, lastly, we filed a motion for a
22 hearing regarding to victim impact statement. As Your Honor
23 has heard at this point, the defendant's position is that this
24 victim impact statement contains numerous falsehoods and was

1 submitted to the Court with the intent to attack his character
2 and very much the intent for the Court to penalize him for
3 those falsehoods that were contained in the victim impact
4 statement. And it is my client's desire to address each of
5 these by cross-examining the complaining witness regarding the
6 victim impact statement.

7 THE COURT: Mr. Via?

8 MR. VIA: Judge, I don't think there's any rule that
9 permits that. The victim impact statement was submitted as
10 part of the process established by the rules for the
11 preparation of the presentence investigation report.
12 Ms. DeCourcy exercised her privileges therein to submit the
13 report. She's not available here today for cross-examination,
14 nor should she be. I am not aware of any rule whatever that
15 gives a defendant a right to cross-examine a victim following
16 the submission of a victim impact statement. Mr. Williams, on
17 the other hand, I'm sure will be given free opportunity by the
18 Court to address something he finds objectionable in his
19 statement on his own behalf. But they're just asking for
20 something here that I've never heard of. I don't think that
21 the rules permit it on a victim impact statement. And it's not
22 false just because Mr. Williams says it's false. And he can
23 refute that which he wishes to on his own. But there is no
24 right of cross-examination of which I am aware.

1 THE COURT: Any response, Ms. Finch?

2 MS. FINCH: I don't have any, Your Honor.

3 THE COURT: 61-11A-2 discusses the victim impact
4 statement or the testimony of a crime victim at sentencing.
5 And I'm going to address this motion prior to any sentencing.
6 Basically, the parties look to -- I'm sorry. I'm looking at
7 victim impact statement under 61-11A-3. And basically if the
8 parties look to Subsection B of that section, it specifically
9 indicates what questions may be asked of the victim on the
10 victim's impact statement. And I just notate that the parties,
11 letting the parties be assured that I have looked at the
12 victim's impact statement in this case, as well as the code and
13 want the parties to be aware that I am looking at the victim's
14 impact statement as it relates to the charge of battery that's
15 before this Court and those questions that are allowed to be
16 asked to a victim pursuant to statute. So in that respect, I
17 have viewed the victim's impact statement. But I want the
18 parties to be fully aware that I am aware of the appropriate
19 questions that can be asked of a victim and the responses as
20 they relate to those questions.

21 With regard to any request to cross-examine the victim at
22 a sentencing hearing regarding the victim's impact statement,
23 I'm going to deny that.

24 MS. FINCH: If I could have just one moment, Your Honor?

1 THE COURT: Yes.

2 MS. FINCH: We're prepared to proceed.

3 THE COURT: We're here for purposes of sentencing. And
4 what I've received for purposes of sentencing is the victim's
5 impact statement. And as noted in 61-11A-3, Ms. Finch, upon
6 motion of the defendant, he can request a hearing to offer
7 information related to alleged factual inaccuracies in that
8 statement. So if your client seeks to speak regarding the
9 reports to the Court - but I say that with clarification as
10 to - in light of Subsection B of that code section with regard
11 to what the Court - the Court has noted that it can consider
12 under statute with regard to the victim's impact statement.

13 MS. FINCH: Am I correct in understanding that Your
14 Honor's order is that the defendant may challenge the
15 truthfulness of the statements contained in the victim impact
16 statement as they pertain to the offense of battery?

17 THE COURT: As they pertain to the offense of battery and
18 as they pertain to how the offense before this Court, which was
19 an offense of battery, has impacted - the victim has indicated
20 has impacted her under Subsection B, which is the questions -
21 the specific questions asked in the victim's impact statement.
22 Those responses that were directed -- that information in the
23 victim's impact statement that is a response to the question
24 that's allowable under Subsection B I believe he would have a

1 right to respond to.

2 In other words, Subsection B of 61-11A-3 goes over
3 specific questions, that the victim's impact statement shall be
4 prepared by the probation officer and shall include the
5 identify of the victim, the itemization of any economic loss
6 suffered as a result of the offense, the description and nature
7 of the offense suffered as a result of the offense, any change
8 in the victim's personal welfare, family relations, whether
9 there was any request for psychological or medical services.
10 And as a result, was there any other information related to the
11 impact of this offense upon which the victim may be required -
12 may be required by the Court.

13 What I'm saying is, I'm only considering the victim's
14 impact statement as permitted by the statute. And if he wants
15 to respond to any of those items as it relates to the offense
16 before this Court, obviously the code, under Section E, allows
17 him to do so.

18 MS. FINCH: Thank you, Your Honor. Would that be a
19 matter for which you would ask that he take the stand or may he
20 be sworn to testify and respond from counsel table?

21 THE COURT: When we get to that portion of the sentencing
22 hearing, then I would allow him to be sworn and respond under
23 Subsection E if he chooses.

24 MS. FINCH: Thank you, Your Honor.

1 THE COURT: With regard to the sentencing in this matter,
2 what I have received is a copy of the presentence report by the
3 probation department. And that report is dated September 27th
4 of 2018. I have also received a supplement dated October 2nd
5 of 2018, which is the victim's impact statement to which the
6 parties have been referring.

7 Now, Ms. Finch, have you had an opportunity to go over
8 each of those documents with your client?

9 MS. FINCH: Your Honor, we have reviewed the PSI, each of
10 us, and found no errors contained in that. We have not
11 together reviewed the victim impact statement at any length.
12 We have independently reviewed it. We have talked about it a
13 lot, but we have not together read aloud these many pages of
14 this document.

15 THE COURT: Are you ready to proceed with regard to the
16 sentencing hearing?

17 MS. FINCH: Yes, Your Honor. And what I mean to say,
18 Your Honor, is I'm going to allow my client to correct those
19 portions of the victim impact statement which pertain to these
20 areas, if Your Honor will permit.

21 THE COURT: Okay. So you are ready to proceed - you and
22 your client are ready to proceed with the remainder of the
23 sentencing hearing?

24 MS. FINCH: Yes, Your Honor.

1 THE COURT: Noting no objections to the report - to the
2 probation portion of the report?

3 MS. FINCH: Correct, Your Honor.

4 THE COURT: At this time then, I'm going to allow,
5 Mr. Williams, if you'd like to speak not only to the victim's
6 impact statement, but also if you would like to speak in
7 mitigation of sentence at all, any information that you want
8 the Court to be aware of that may relate to your presentence
9 report as well, now would be the time you're allowed to do so.

10 THE DEFENDANT: Okay. Well, I'm not sure where to start.
11 The ex parte communications, I got them early on, copies of the
12 first one and second one. And it's obvious that the state's
13 claiming witness was trying to influence the Court by making me
14 out to be a monster. She accuses me of murder, multiple
15 murders, multiple hiring of hitmen to kill people. Specifics,
16 kidnapping, rape, embezzlement, arson, fraud. I mean, the list
17 is just endless. It's contained in both the ex parte
18 statements and the victim impact statement. And she swears
19 that they're true.

20 And she sent this victim impact statement to Officer
21 Tooze and then called him and said she wants to be here today
22 to back up her written statement. And I'm entitled to question
23 what she claims. I'm not a murderer. I'm not a rapist. I'm
24 not a batterer. I've never been arrested. He claims I'm a

1 good character. She says I'm Charles Manson. I wasn't here
2 when they sealed the ex parte statements. I did not know they
3 were sealed. I was expecting them to be used at my trial.

4 I got an order sent to me Thursday, first time I'd seen
5 it, sealing the ex parte statements. They weren't used in
6 evidence. Yet, they were in evidence. They were sent to you
7 to influence you. The prosecutor was attacked in this ex
8 parte. Says he's corrupt, senile --

9 THE COURT: Mr. Williams, although I'm allowing you to
10 respond to the victim's impact statement, I think I made clear
11 on the record the portion of -- the victim's impact statement
12 asked specific questions. I'm listening to your general
13 comments. But what I'm trying to do is only consider that
14 portion of the victim's impact statement as it relates to this,
15 what's before the Court. What's before the Court is this
16 battery charge.

17 THE DEFENDANT: If I could just finish that thought, the
18 prosecutor requested to withdraw because of allegations made
19 against him in the ex parte. She wanted a special prosecutor
20 assigned to it because she didn't think they would prosecute me
21 again. They asked to withdraw. When I got that docket sheet,
22 it said they were disqualified. Why were they disqualified
23 from prosecuting me? She got everything she wanted. She got a
24 special prosecutor.

1 In the first paragraph of the ex parte, she's more or
2 less telling you not to share it with me or Ms. Finch or the
3 prosecutor's office or the magistrates. Well, that's illegal.
4 She can't tell you what to do. Yet, she got everything she
5 wanted. And it's sealed. I'm going to have to use these post
6 sentencing because this is my defense. Falses in omnibus.
7 Falses in uno. Falses in omnibus.

8 THE COURT: Mr. Williams, I've ruled on the motions
9 regarding the victim impact statement as well as new trial.
10 But what I am giving you now is an opportunity to make any type
11 of direct response to the victim's impact statement as
12 permitted by statute, as well as any statement you wish to make
13 in mitigation of your sentence.

14 THE DEFENDANT: The first question in the victim impact
15 statement is, do you wish to appear before the Court to make an
16 oral statement? Her answer, yes, already spoken to Probation
17 Officer Tooze on the phone. It's stated also.

18 THE COURT: Okay. And I'll note for the record that
19 Ms. DeCourcy does not appear to be in the courtroom for that
20 purpose.

21 THE DEFENDANT: Your Honor, Ms. DeCourcy fled the state
22 soon after I made it clear that I wanted to question the victim
23 impact statement. She's left. And nobody seems to care that
24 she's gone. But I've always been raised that you get to face

1 your accuser. I haven't said one word to that woman since
2 September 30th, 2015. Not one word. Yet I'm accused of -- you
3 said you read the victim impact statement. It's 14 pages,
4 single spaced, typed.

5 Again, in her claim of battery, I don't have all those
6 documents, but she makes me out to be a monster. She does the
7 same thing in here. It's unsubstantiated. Her witnesses were
8 her boyfriend, her employer, and her roommate. And I didn't
9 have witnesses, but I know it didn't happen. And I'll fight it
10 to the end.

11 I mean, do we really want to question if she's asked,
12 what were the economic - did you suffer any loss as a result of
13 the crime, property damage to your property? It's a short
14 answer. Only five lines. But then she goes into paragraph
15 after paragraph. Arson. I committed arson. That doesn't have
16 anything to do --

17 THE COURT: That's my point, Mr. Williams, that the - I
18 think that the answer was the five lines that you make
19 reference to --

20 THE DEFENDANT: That's all we can do. Okay.

21 THE COURT: No. No. What I have stated, I think
22 numerous times on the record, is I have looked at this in
23 response to the questions - what is the response to the
24 questions that are allowed by statute.

1 THE DEFENDANT: Okay. So the economic loss, that's
2 interesting. A convict -- this is her answer. Yes. Convict
3 defendant Williams - I didn't realize I was a convict - seized
4 all corporate funds, accounts, assets, income, corporate entity
5 boards, or unpayable to me. Well, I'm chairman of the
6 corporation. Of course, I'm in control of the funds. I fired
7 her that day for insubordination.

8 She says I was removed from board meetings on August 1st,
9 2015. I conducted the board meeting. She wasn't there. She's
10 not on the board. And she says that I've been removed. It's
11 really insanity.

12 She supported civil suits against me and the Alliance,
13 three different civil suits. One here in West Virginia that
14 her boyfriend filed with Mr. Faerber. And I believe it was
15 Mr. DaMarais that paid for it. That's the roommate. And
16 then -- anyway, it's just so outrageous.

17 It goes to motive, Your Honor. The reason that they
18 could charge me with battery - not the reason, the reason for
19 the charging me was to get me off the property. There was a
20 temporary restraining order without a hearing or anything. And
21 she wanted me off the property. It's my responsibility, this
22 property. I didn't realize it, but there was this temporary
23 restraining order against me because she had filed it. And
24 next thing I know, they're coming in. They're arresting me. I

1 get sent up to the regional jail. And five days later, the
2 same thing happened again. They arrested me again. Put me in
3 jail. Luckily, we got the bond scraped together.

4 So her economic loss is nothing like my economic loss as
5 a result of this. I'll finish that one about economic loss. I
6 mean, it's a lie. They didn't remove me as chairman. As a
7 matter fact, her witness is dead. Her other witness went to
8 New York City. Said he'd never come back. And the other
9 witness is Mr. DaMarais, there, who wasn't present at the
10 alleged strangling or choking or whatever, the charge of
11 battery. My defense, nobody ever interviewed me. There was no
12 investigation. They came out and talked to her December 4th, I
13 believe, Sheriff Jonese and deputy --

14 THE COURT: Mr. Williams, there's already been a bench
15 trial on this. And the conviction, the Court has found you
16 guilty. The purpose of today is sentencing and anything you
17 wish to offer to the Court in mitigation of sentence. But it
18 is not the time to reevaluate whether the conviction is there
19 or not. The conviction is there. Is there anything else you
20 want the Court to consider?

21 THE DEFENDANT: Well, her answer, yes, that I was removed
22 from the board, which is absurd. I'm still chairman of the
23 Alliance. The board of the Virginia corporation sued in
24 Virginia Circuit Court - that's the National Alliance - to try

1 and protect the entities and boards associated from Williams's
2 crimes and physical abuse, threats to property and life. He
3 and members of his personal criminal gang/domestic terrorists
4 were causing --

5 THE COURT: Mr. Williams, so that I can cut this short,
6 the answer to the question that the Court considered was - to
7 the question of, did you suffer any economic loss as a result
8 of the crime? Example, loss of property, damage to your
9 property, et cetera. Her answer was, yes. And apparently, she
10 was unable to be paid. That's the short of it. That's what
11 the Court considered.

12 THE DEFENDANT: I paid her that morning.

13 THE COURT: Okay. Then your responses is, you dispute
14 that she was unable to be paid?

15 THE DEFENDANT: Well, yes.

16 THE COURT: Okay. Next question.

17 THE DEFENDANT: Next question, please list a description
18 and value of your losses. Use additional paper if necessary.
19 Her answer doesn't really describe her losses.

20 THE COURT: So you're saying the answer was unresponsive?

21 THE DEFENDANT: Well, it would take a few minutes to read
22 it here. I'm just looking at the highlights here. Everything,
23 murder, torture, shooting, two people dead. Who are these dead
24 people? What is -- why am -- okay. So those were her property

1 losses. The next one is, has she been paid by an insurance
2 company for loss or damage? If so, please supply name and
3 address. Well, no. She didn't even go to the doctor over this
4 attempted homicide.

5 THE COURT: So the answer is no?

6 THE DEFENDANT: No. That's right. Okay. So my point
7 was, she didn't go to the hospital. There's no medical report.
8 Okay. So has there been a change in your personal life,
9 welfare, lifestyle or family relationships as a result of the
10 crime? Yes. She says, I've continually been - this is what
11 she writes. I have continually been - continually -
12 continually been continually re-victimized, tormented, abused,
13 terrorized, intimidated, harassed, blackmailed, and corruption
14 attempts in violation of my basic human rights. Blah, blah.
15 Like I said, I never had one more word with this woman until
16 today. I thought she would be here. Well, I knew she wasn't
17 going to be here because she's fled.

18 THE COURT: So what the Court's doing is, under the
19 statute, I give you an opportunity to introduce evidence of
20 other information that's related to any of these alleged what
21 you consider to be factual inaccuracies. So your response to
22 that is, I've not spoken to her since. I consider that.

23 THE DEFENDANT: I haven't said a word to her.

24 THE COURT: And I'm letting you know, I'm considering

1 that statement.

2 THE DEFENDANT: Almost four years, Your Honor.

3 THE COURT: Yes, sir.

4 THE DEFENDANT: So there's another full page to that
5 answer. Let's see. There might be several pages. Yeah, page
6 and a half. I hire people to murder, murder, murder, attempted
7 murder, assault, battery, grand larceny. Just, I mean, I could
8 keep repeating this page after page. But it's all
9 unsubstantiated. If you want to call it factual inaccuracies
10 like the code says, that's what I want to question. I want her
11 to substantiate who I murdered. Who did I rape? Who did I
12 kidnap? What did I burn down? She wanted to influence you to
13 make me out to be a monster, where they could get control of
14 the Natural Alliance. These were - her witnesses were her
15 co-conspirators. Three different civil suits filed. That's
16 the motive.

17 There's some highlights here, but it's just the same
18 stuff page after page. What's interesting is to get to the
19 last page. Question, are your answers to these questions true
20 and correct to the best of your knowledge? Simple, yes. Well,
21 they're not. I mean, to her knowledge. She's delusional. I
22 think she has Aspergers Syndrome or something where she focuses
23 on something and - obsessed. And lucky me.

24 She kind of sums it up here on the last page. The only

1 justice and proper protection of me, the victim, of many crimes
2 in West Virginia and others committed by Williams, i.e., cyber
3 crimes, stalking, shooting, murder of pets, thefts, harassment,
4 intimidation, slander, abuse. The Court must, all caps, issue
5 a full, permanent protective order that is detailed in scope,
6 well-defined, and fully enforceable. Williams and his gang has
7 fully stated and gone for others for decades. I have no idea
8 what she's talking about, my gang. I don't have a gang. I'm
9 not a gang leader. I'm a corporate chairman, president of the
10 board. I'm responsible for the corporation.

11 And she and her co-conspirators - there's one of them in
12 the courtroom right there - wanted to take this away from me.
13 They failed. All three civil suits have been dismissed with
14 prejudice. And I have an \$850,000 counterclaim against her
15 employer who filed a civil suit against me in Virginia. And
16 it's a real tragedy for her to have talked them in to suing the
17 National Alliance. The previous lawsuit by a group of former
18 Alliance members failed. And when that was getting ready to be
19 dismissed, she got Mr. McLaughlin to file another lawsuit.

20 So when they saw - when the lawyer they hired saw what a
21 mess it was, he withdrew. And Mr. McLaughlin had 21 days to
22 answer my counterclaim. He died three days later. He got a
23 21-day extension to answer the claim. He died of a massive
24 heart attack that really could be traced to her for putting him

1 in that position as a plaintiff.

2 THE COURT: I'm not here for -- I understand your
3 reasoning. Your reasoning is, you want the Court to consider
4 the fact that you believe there's unclaimed suits. But is
5 there anything else with regard to your sentencing hearing that
6 you're wishing for the Court to consider?

7 THE DEFENDANT: There's one more paragraph here that she
8 sums things up. Without a well-crafted, properly-worded
9 permanent protective order by this Court, I have no, all caps,
10 no ability to ever be safe or free to exercise my basic human
11 and civil rights and to register or exercise my duty, right to
12 vote. I've damaged her to the extent that she can't -- by
13 holding my arm out like this, I've damaged her life to the
14 extent that she cannot even vote. And without such an order,
15 my voter registration information, my home location will be
16 public record. And Williams, his gang, and any murderous
17 nuts --

18 THE COURT: Mr. Williams, I understand what she's asking
19 for is a permanent safety order. And you're providing to the
20 Court your thoughts as to why that's not necessary. Is there
21 anything else you want me to consider?

22 THE DEFENDANT: I think that makes the point. Do we just
23 go through the probation officer's recommendation or do we just
24 go straight to sentencing? I don't know. Whatever. Whatever

1 you're going to do. Whatever it, is what it is.

2 THE COURT: Ms. Finch, do you have anything that you wish
3 to say on behalf of your client with regard to sentencing?

4 MS. FINCH: Yes, please, Your Honor. I would ask that
5 the Court consider permitting Mr. Williams to remain in
6 Tennessee with his wife who dearly loves him. They're good
7 support for one another, I think as is evidenced by the
8 presentence investigation report. I think that outside the
9 circumstances that led to Your Honor's verdict, he is not a
10 dangerous person and not a person for whom confinement for the
11 period of time that this charge would allow would serve any
12 purpose. And I would just ask that he be permitted to return
13 to Tennessee to be on some type of probation and be at home
14 with his wife. He's expressed to me that he doesn't intend to
15 frequent Pocahontas County. He finds it to be an inconvenience
16 to come in for court. And I don't believe that he will be
17 causing any problems. So that would be my request to the
18 Court, Your Honor.

19 THE COURT: If granted any alternative sentence, such as
20 probation, this is a misdemeanor case. And probation could not
21 be transferred to the state of Tennessee. So any supervision,
22 if granted, would have to be under this circuit, which would
23 require your client to make himself available to the probation
24 department. And in that respect, I believe would further

1 require a waiver of extradition in the event of a violation.
2 So have you spoken to your client regarding all those things
3 prior to requesting an alternative sentence?

4 MS. FINCH: I've spoken with him regarding the fact that
5 a misdemeanor probation cannot not be transferred out of state.
6 And what I've described to him was that he would need to call
7 in. He would need to stay in contact. I understand he may
8 also need to make himself available from time to time for
9 purposes the probation officers may direct. I haven't talked
10 to him about the waiver of extradition. But if I could have
11 about 60 seconds?

12 THE COURT: Yes, ma'am.

13 MS. FINCH: Thank you. I've had the opportunity to
14 discuss that with him. And I think he is agreeable to those
15 terms.

16 THE COURT: Do you have any other statements on behalf of
17 your client?

18 MS. FINCH: No, Your Honor.

19 THE COURT: Thank you.

20 MS. FINCH: Thank you.

21 THE COURT: Mr. Via, does the prosecuting attorney wish
22 to address the matter of sentencing?

23 MR. VIA: Yes, ma'am. The state's position is that
24 Mr. Williams should be sentenced to six months in the

1 appropriate regional jail facility. I think that's - if I
2 understand the rule, that's the maximum this Court can give
3 because that's what the magistrate court gave. And so there's
4 six months there that are not available to this Court for the
5 12 months that is available statutorily.

6 This was a violent offense. The Court heard the
7 evidence. It involved a choking. I don't think a legal
8 strangulation, the way that term is defined by statute. But
9 nonetheless, a violent choking, a violent incident, a very
10 volatile incident. We've heard a lot today, but not one word
11 on acceptance of anything relative to his responsibility in
12 that incident. And just no acceptance of responsibility at
13 all. But rather what we heard today was combative and was
14 questioning this Court, questioning the victim. All of which
15 was done at trial appropriately.

16 But this Court made the finding beyond a reasonable doubt
17 that the offense of battery was committed. And looking behind
18 the offense at the actual conduct of the battery, it was
19 particularly violent, as this Court heard. And a misdemeanor -
20 an alternative sentence of probation on this offense would
21 significantly, I think, and unduly depreciate the nature of the
22 offense. This is an offense for which six months of
23 incarceration is appropriate. And we would strongly encourage
24 the Court to impose that sentence at this time.

1 THE COURT: Is there any reason I should not now impose
2 sentence?

3 MR. VIA: No, ma'am.

4 MS. FINCH: No, Your Honor.

5 THE COURT: Mr. Williams, if you will stand, please.
6 Mr. Williams, I'm going to accept the probation report as a
7 part of the Court's findings. I'm going to note that you've
8 been found guilty of battery. I further note on the
9 presentence report that you are 71 years old. You're a high
10 school graduate. You are married. You have no dependents.
11 You are disabled. There's no criminal history other than the
12 battery that you're here on before this Court. It does appear
13 that you have a work history as an architect and a contractor.
14 At one point, you were a starving artist. At one point, you
15 were a paper editor. And then, you were the membership
16 coordinator for William Pierce. It appears that presently you
17 receive Social Security and disability. You do have an
18 honorable discharge from the military.

19 What I'm attempting to do is structure a sentence,
20 Mr. Williams, that's appropriate to the charge before this
21 Court. My biggest concern is, today, that there's been no
22 responsibility for the crime expressed by you for the crime to
23 which you were found guilty.

24 THE DEFENDANT: That's right.

1 THE COURT: And I'm considering that. I'm also
2 considering the fact that this matter, your conviction, is back
3 in March of 2016. And the matter has been - you were found
4 guilty on August of '18. And then the sentencing hearing has
5 been continued since August of '18. And you've been on bond
6 throughout this case. I'm also considering the fact that there
7 has not been any bond revocation or anything of that sort
8 during the pendency of the case.

9 As I indicated, my largest concern is your failure to
10 take responsibility for the crime to which you have been found
11 guilty. And I do believe given the nature of the offense that
12 to grant you solely probation would depreciate the seriousness
13 of the charge. So in light of all of those things, what I'm
14 going to do is I'm going to sentence you, Mr. Williams, to the
15 six months at the regional jail. I am going to suspend all but
16 20 days of that sentence. You will receive credit for two days
17 that you've previously served.

18 The remainder of that sentence will be suspended. And
19 you will be placed on probation for a period of 18 months.
20 Conditions of that probation will be that you violate no laws
21 of this state, any other state, the United States or any
22 political subdivision. You will be - you must abstain from the
23 use of alcohol, controlled substances unless lawfully
24 prescribed to you. You will be subjected to random drug

1 screens. That will be through the local probation department.
2 You are to make yourself available to the local probation
3 department. I'm going to allow you to reside in the state of
4 Tennessee, as long as the probation department has your current
5 and accurate contact information at all times and that you make
6 yourself available to the probation department at all times and
7 that there is a waiver regarding any alleged violation thereof.

8 I'm also going to impose as a special term of your
9 probation that you attend anger management counseling and that
10 your probation officer receive a copy of the - not the content
11 of your counseling, but who you're receiving those services
12 from and can verify that services are being received.

13 I'm also going to order as a special term of your
14 probation that there be no contact whatsoever, either
15 personally, through social media, by a third person, or any
16 other means, with Garland DeCourcy throughout the period of
17 probation.

18 I also need to advise you that you have a right to appeal
19 the sentence. If you cannot afford the cost of the appeal, you
20 may appeal in forma pauperis. You need to file a notice of
21 appeal within 30 days of the entry of the judgment order and a
22 petition for appeal within four months of the date of the
23 judgment order. So with that, he would be remanded to the
24 regional jail authority for the purposes of serving the 18

1 days, basically. After which, you are to report immediately to
2 the probation department before returning to the state of
3 Tennessee, as that probation will be monitored through this
4 circuit's probation office.

5 If there's nothing further, we'll stand adjourned.

6 THE DEFENDANT: Do I go off to jail now or do I
7 appeal --

8 THE COURT: At this point, he is remanded.

9 THE DEFENDANT: I don't understand.

10 MS. FINCH: Just because I know that once my client
11 understands here, that he would ask me to do this. If Your
12 Honor would entertain the notion of his post-conviction
13 sentencing bond, insofar as he does intend to retain counsel
14 and appeal this matter. And asking that the Court might show
15 leniency of allowing him to return to Tennessee today with his
16 wife.

17 THE COURT: Any response by the state?

18 MR. VIA: Yes. Judge, that might be something that the
19 Court would consider if he was going off to jail for a couple
20 of years. He's only going for 18 days. If he wants to appeal,
21 that's even inside the time period to perfect the appeal. So
22 he ought to go do the 18 days and let's move on. He's free to
23 appeal it, certainly. But I don't think these 18 days should
24 be set aside for a year, year and a half, two years waiting on

1 a misdemeanor appeal to the Supreme Court, Judge.

2 THE COURT: I'm going to impose the sentence. And he
3 would be remanded.

4 MS. FINCH: Thank you, Your Honor.

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1 STATE OF WEST VIRGINIA,
2 COUNTY OF POCAHONTAS, to-wit:
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4 I, Anne R. Owens, RPR, Official Court Reporter of the
5 Circuit Court of Pocahontas County, West Virginia, do hereby
6 certify that the foregoing is a true and correct transcript of
7 the proceedings had and testimony taken in the hearing of the
8 action of 16-M-AP-01.

9 I hereby further certify that the transcript within meets
10 the requirements of the Code of the State of West Virginia,
11 51-7-4, and all rules pertaining thereto as promulgated by the
12 Supreme Court of Appeals.

13 Given under my hand this 25th day of February, 2019.
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17 _____
18 Anne R. Owens, RPR
19 Circuit Court of Pocahontas County
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IN THE CIRCUIT COURT OF POCAHONTAS COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

Plaintiff,

vs. Criminal Action No. 16-M-AP-01(D)

WILLIAM WHITE WILLIAMS II,

Defendant.

ORDER

On the 12th day of February, 2019, came the State of West Virginia (hereinafter the "State"), by counsel, Patrick I. Via, Special Prosecutor for Pocahontas County, West Virginia, and came the Defendant, William White Williams II, in person, and by counsel, Laura M. Finch, before the Court for a Motions hearing and sentencing in the above-captioned matter.

The Court proceeded to hear arguments of counsel with respect to the Defendant's Motion to Unseal Ex Parte Communications. Upon consideration of the parties' arguments and review of applicable law, and for all those reasons set forth upon the record, the Court does hereby DENY the Defendant's Motion to Unseal Ex Parte Communications.

The Court thereafter proceeded to hear arguments of counsel with respect to the Defendant's Motion For New Trial. Upon consideration of the parties' arguments and review of applicable law, and for all those reasons set forth upon the record, the Court does hereby DENY the Defendant's Motion For New Trial.

The Court thereafter proceeded to hear arguments of counsel with respect to the Defendant's Motion For Hearing Regarding Victim Impact Statement. Upon consideration of the parties' arguments and review of applicable law, and for all those reasons set forth upon the record, the Court does hereby DENY the Defendant's Motion For Hearing Regarding Victim

POCAHONTAS COUNTY
CIRCUIT/FAMILY COURT
RECEIVED 2-25-19
By: C.M. / CDB

Impact Statement, but allowed the Defendant to respond to the victim impact statement when addressing the Court in mitigation of sentence.

Thereupon, the Court proceeded to sentencing in this matter, and did hear from counsel, as well as from the Defendant. The Court also noted the receipt of the Pre-Sentence investigation report prepared by the Probation Department of the Court. After due consideration of all the foregoing, and after finding it proper so to do, The Court does hereby ADJUDGE, ORDER and DECREE as follows:

1. With respect to the Defendant's conviction for the offense of battery, the Defendant shall be sentenced to a period of six (6) months in the Tygart's Valley Regional Jail; and,

2. The above stated sentence, except to the extent of twenty (20) days (the Defendant shall receive two days of credit for time served in this matter) shall be suspended and the Defendant shall be placed on probation for a period of eighteen (18) months under the following terms and conditions:

- a. He shall violate no law of this State, any other State, the United States or any political subdivision thereof;

- b. He shall abstain from the use of alcohol or controlled substance that is not lawfully prescribed to him;

- c. He shall make himself available, as requested, to the Probation Department of this Court;

- d. He shall attend and complete an approved anger management program;

- e. He shall have no contact, directly or indirectly, with the victim in this matter, Garland DeCoursey;

f. He shall be subject to random screens for drugs and alcohol;


g. He shall be permitted to reside in the State of Tennessee, although the Probation Department must have accurate contact information for him.

The court thereafter Ordered that the costs of this proceeding be assessed against the Defendant.

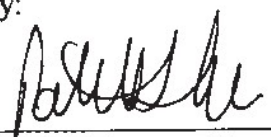
Thereafter, the Defendant was advised, upon the record, of his right to appeal this matter to the Supreme Court of Appeals of West Virginia, as well as his rights attendant thereto.

The Clerk of the Court is directed to provide a copy of this Order to Patrick I. Via, Special Prosecutor of Pocahontas County, West Virginia, and to Laura M. Finch, counsel for the Defendant and to the Tygart's Valley Regional Jail.

Entered this 25th day of February, 2019.


JENNIFER P. DENT
Chief Judge of the Circuit Court of
Pocahontas County, West Virginia

Prepared by:


PATRICK I. VIA, State Bar No. 6388
Pocahontas County Special Prosecuting Attorney
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