

Magistrate Court of Pocahontas County West Virginia

Petition For Appeal of Order Granting or Denying Final, Personal Safety Order

Petitioner: Garland Elizabeth DeCourcy
v.
Respondent: William White Williams, II

Magistrate Court Case No. 15-S-35
Hearing Monday December 21, 2015

This is "Attached Extra Sheet"

This document is answer to section 2. of the attached form WV MPSPTFO Rev. 06/2012.

Petitioner's witnesses were:

Mr. Michael Oljaca: witness to criminal assault and battery for which the Williams was arrested Wednesday, Dec. 16, 2015, also a victim of Williams' abuse and criminal assault and battery of him on Tuesday, Dec. 15, 2015. Mr. Oljaca has a PSO on the Williams filled out Dec. 16, Court ordered/signed Dec. 17, 2015

Dr. Robert DeMarais: witness to crimes, continual harassment and threats by Williams against the Petitioner. He is also Petitioner's landlord, household member who was protected under Petitioner's PSO. He is also being abused, harassed and threatened by Williams, and Mr. Detch.

2. The Magistrate Court decision is believed to be incorrect because:

The Court ruled wrong based on the facts presented.

I and my witnesses were not allowed to present all the facts and evidence due to intimidation and limitations by the Magistrate, and intimidation, threats and harassment by Williams and his attorney Mr. Paul S. Detch.

I was *pro se* and alone in the Courtroom.

The Magistrate did not ask questions of the Petitioner, Williams, nor Petitioner's witnesses, nor direct the proceedings, nor give response to objections made, nor control the Courtroom.

The Respondent Williams had an attorney who stated his client was facing criminal charges related to the reason Petitioner got the PSO, and he was "taking the 5th", and would not be speaking, and declared he could not be placed on the stand to answer the Courts nor the Petitioner's questions. Petitioner objected. Magistrate never made a ruling. The 5th can only be used in Criminal proceedings by a Defendant, this was a Civil Court matter, he was a Respondent. During Court Williams spoke directly to Petitioner, Petitioner's witnesses, the Magistrate, and gave testimony. He clearly removed any protection of the 5th if he had any as he did choose to testify, he is not entitled to the privilege. Williams did fully violate the Petitioner's PSO, and 1 of the witnesses' PSO in court several times by speaking directly to them and threatening them. The Magistrate left the Courtroom many times for long periods of time allowing this to occur. Both PSOs have been violated by Williams many times prior, Mr. Oljaca's since.

Williams intimidatingly stared at Petitioner and her witnesses before and in Court. He growled and grunted loudly throughout the proceedings, disrupting statements and testimony of the Petitioner, and Petitioner's witnesses (all victims of Williams). Petitioner objected, and told the Magistrate that these were the same noises Williams makes before and during abuse of his victims, and that she felt she was being threatened and abused at that time in Court and did not feel safe. Petitioner requested Magistrate make him stop. The Magistrate did not rule on objection, nor address Williams nor his attorney about this intimidation, and abuse in the courtroom. Williams continued to do so throughout the proceedings. These deliberate, unhindered abuses, distractions caused great disruption to the proceedings, intimidated, and distracted the Petitioner and her witnesses

throughout the proceedings. The fact that the Magistrate did nothing to stop Williams did empower and emboldened him to be louder, and more abusive. Thus the abuser Williams got the full result he desired from his deliberate acts of further abuse.

Petitioner and Petitioner's witnesses were not allowed to present all facts, and evidence because the Court wrongly limited testimony. Court incorrectly tried to narrow anything they presented to only her narrow interpretation of what was written in section 8, page 3 of the VA MPSPTOR Rev. 03/01/2014 Petition for Personal Safety Order; and ONLY section 8 (though terms written in section 8 were broad). Section 9, 10, 11, 12 had continuing relevant information on the abuses, the danger Petitioner is under, and information about Williams that had great bearing on that real danger. All information in the application are to be used in determination. As well the Court has the duty to ask questions, gather information and direct proceeding where there are fearful parties present so they can safely best give that information to the Court. All so the Court can make an informed, educated decision. The Court would not take that information into account.

Petitioner and Petitioner's witnesses tried to present to the Court evidence of violations of the Court Ordered PSO that was before the Court to be made Permanent. The Court would not allow it, though it was well documented by law enforcement, and the media that when Williams was arrested on warrant for Criminal charges for the things mentioned in section 8, he was fully witnessed by 3 vehicles full of various law enforcement to be violating the Petitioner's PSO, and had just threatened and criminally battered her witness.

The Petitioner and her witness (also a States witness) Mr. Oljaca tried to give evidence to the Court that Mr. Oljaca has a PSO on Williams, and a pending criminal warrant for arrest for Battery done to him. Williams was violating the Petitioner's PSO (witnessed by law enforcement and all parties during the Williams' 1st arrest, with pictures) and was intimidating, threatening, physically attacked and criminally battered Mr. Oljaca to not come to Court as a Civil/States witness against him, and if subpoenaed to lie and perjure himself in favor of Williams. The Magistrate stated this information was not in section 8, and had no bearing on the matter of the Petitioners need for a PSO. Petitioner presented that Williams has shown no respect for the current PSO, was threatening and criminally harming her and her witnesses, who almost didn't make it to court that morning and who's homes were probably being molested as they were in court, that they were all victims of Williams and that it was VERY much important and proof of the need for Petitioner to have a PSO, as she was very much in danger and continually being abused by Williams.

The Court was told that a witness present and one out of State from affidavit presented (as well a many others) had Williams confess to them and acknowledge he did the assault, batter, and strangle Petitioner, and "that he would choke/strangle the/that bitch again", "she needed to be silenced", she knew too much". The Court stated those confessions happened after dates in section 8, so were not relevant, and could not be used in Petitioner trying to get the PSO.

The Court was told that the Petitioner and Petitioner's witnesses were all in grave danger from Williams and had all applied for PSOs. The Magistrate stated that this had no bearing on the matter before the Court that day.

The Court was told that the Petitioner and her witnesses were in immanent danger, as Williams had made credible threats that were relayed to them the day before (and had affidavit from the party Williams told this to), that Williams intended to come to WV from TN Sunday Dec. 20 or early Mon. Dec. 21, 2015 and cut the lock on their gate and change it as to lock them in (this has been done before, law enforcement documented), to prevent them from being able to get to Court that day. Williams also stated he would confront, harass and threaten them so they would either not be physically able to, or too afraid to go to court on this matter. Williams was bringing another man with him from TN to WV with a drill, and if Petitioner and her witnesses did go to Court, then while they were in Court their homes and property would be molested. (has happened before, law enforcement documented). Williams stated that after Court he would then go to their homes and confront them, threaten, retaliate, and do further harm to them. The Court was told that upon getting this information Sunday Dec. 20 they called law enforcement and told they deathly feared for their safety, & that all 3 parties were protected in 2 PSOs and a bond. They asked for protection, an escort to Court, and a guard at the property

(where all 3 have their homes) while they were at Court, who could then protect them from this credible threat to do them harm after they returned from Court. They were advised to call 911 if they saw Williams or anyone known to associate with him, that they could be there in 7 minutes, and to take precautions. They were told to call Pocahontas Courthouse Magistrates office, and Prosecutors office as soon as they opened between 8:30 - 9 am the next day and let them know of the situation. They also emailed the Sheriff as it was after 4:30 to let him know of their dangerous situation, the threat, the affidavit and desire to be able to safely get to court, as well as be safe during and afterwards. They also met with him the day of Court. Magistrate Kelly in Court said this had no bearing on the matter before the court that day and that it had nothing to do with section 8. She did not even question Williams in this matter, nor address his attorney and advise him to control his client.

The Petitioner told the court she had not slept for over 48hrs before court as had been on watch for the credible threats they were under and apologized as it may effect her presentation of her case to the Court. She told the Court that right now while they were in the courthouse they assumed their homes and property were at that moment being molested as Williams stated this was his intent for bringing another man to WV with a drill. They also feared retaliation for the truth they were telling in the Court and feared the confrontation and abuse Williams promised would happen at their homes after court. So with all of this Petitioner and her 2 witnesses tried to proceed as best they could under these frightening and unusual circumstances. All of this was fully relayed to the Court several times.

The Court was told that prior to entering the beginning of scheduled Court a Magistrate informed us Mr. Detch, Williams' attorney, was upstairs filing a retaliatory "wrongful occupation" to evict my witness from his legal residence. This despite there being no prior notice, statement nor 30 days notice so no "wrongful occupation". This is perjury and fraud upon the Courts. This is in violation of Mr. Oljaca's PSO and is clear retaliation, intimidation and further abuse. This further unsettled all 3 of the Petitioner's party before the hearing.

The Court was told that prior to Court session in the hall that they had been confronted and intimidated by Williams, that he tried to speak with them. They had reported it to the other Magistrate who moved them so they would be in a safer place. The Court was told that 2 of these parties had PSOs and were protected in a bond and that it was their belief they were all just violated. The Court stated this was not relevant and it had nothing to do with section 8, nor the granting of a PSO, and that they should have reported it to law enforcement. Petitioner stated there was no bailiff nor law enforcement on that floor and that they told Magistrate Wilfong, Prosecutor Simmons and his Assistant Prosecutor.

The Court was told that Williams was making threats against all of them to others. Having others also contact them 3rd party, and harass and threaten them not to show up at Court, and Mr. Oljaca was told to perjure himself and lie in court to protect Williams by Mr. Kevin Alfred Strom (Williams' employee), and others. That we had emails, phone logs, and messages, relating to this and wanted to present them to the Court. Court said they were not relevant as she was not law enforcement so had nothing to do with whether any PSOs or bonds were violated. Petitioner tried to present copies of and images proving Williams was sending out mass emailings, and all over the internet making threats, character assassination, telling lies, and placing a very real dangerous target on them. The Court was told these were all very credible as Williams had prior criminally attacked a previous employee and tried to kill him, several witnessed by the Petitioner. These threats against his life were so credible that this employee was now publicly known to be in a Federal Witness Protection program. The Court was told that the Petitioner and Mr. Oljaca, and many others had all been told by Williams that he had attacked and tried to kill this man before, and had now put a "hit" out on him. The Court was told these were very credible and that they know of another man whom Williams states he has done the same thing to. That he constantly tells everyone he wants to kill people, and has people working on that for him. These same parties whom Williams says are working on tracking him down, are now all told by Williams that Petitioner is also a traitor, treasonous enemy and needs to be shut up and dealt with, should be hanged. This is confirmed by internet postings and emails. The Court stated these had no bearing on Petitioners need for a PSO and were not a part of section 8.

The Court was shown, and told of affidavit from a party not present to all the information above. The Court said it was not interested as it was not relevant to the matter of the PSO. Petitioner stated it fully encompassed things

in Section 8, 9, 10 & 12. Court still limited admission.

Petitioner and Mr. Oljaca had previously been assured by the Sheriff and another Magistrate that Williams would be frisked and searched upon entering the Courthouse and that there would be at least 1 Bailiff in the Courtroom. Mr. Williams was not searched and frisked, and there was NO bailiff in the courtroom. Upon Petitioner beginning to enter the Courtroom while Magistrate was holding the door, and Williams and his attorney were already in the Courtroom seated, Petitioner asked if he had been searched as had been promised, and said she would wait for the bailiff to enter before she did. The Magistrate stated that he did not need to be searched and she felt her courtroom had no need for a bailiff. Petitioner did not want to enter without a bailiff, stated this and asked if she could please order one, as they had been threatened with harm that day, and already harassed by Williams in the halls and that she was afraid to enter. The Magistrate stated she would not do so and to hurry and enter as she was getting irritated. Petitioner peeked in again and saw that Williams and his Attorney took the 2 seats closest to the door, and she would have to pass by behind them and feared being that close to him, and asked if Magistrate could have them move down to the other table so she did not have to pass them, and so she could be near the exit. The Magistrate stated no, and ordered her to enter the Courtroom NOW. Petitioner pleaded she did not feel safe, and would not be comfortable in the Courtroom and begged to please have a bailiff before she entered and have Williams searched. Magistrate stated NO, and to hurry and get in or she could start proceedings without her. This was all in the presence of her 2 witnesses on the bench at the door. All whom had been promised many times before by several officials that Williams would be searched and there would be 1 or more bailiffs present.

The Court was aware and reminded, that Petitioner and Mr. Oljaca had notified them all previously that Williams on Monday September 28, 2015 had, with a loaded handgun in his pocket, gone into the Courthouse and met with Prosecuting Attorney Simmons, and then did enter the Hillsboro Post Office with it. Both in clear violation of Federal Law. The Petitioner told the court that Williams has no regard for laws, and only deals with what he wants. The Court was told Williams lives by "Compelling necessity", that he states over rules laws including homicide, and that it makes lawful that which is not lawful. That she had many printouts and images of instances, and media interviews where Williams has stated this publicly, and written himself on the internet, and emails. As well had given it to his best friend a convicted mass murderer to use for his defense. Magistrate stated irrelevant to the matter. Petitioner pointed out this was fully written in section 10.

Petitioner believes the hearing on Dec. 21, was not a safe place, free from intimidation, harassment and threats to present her and her witnesses facts and evidence for the case. Court was not intimidation, harassment and threat free, and they left feeling violated, abused, traumatized and more concerned about imminent harm from Williams than before Court. Petitioner and her witnesses were in great fear from very credible threats Williams made regarding them to the out of State witness in the offered affidavit, and to them during the hearing. The Court did not take this seriously, nor take it into account as it should have been. That after court when Petitioner was not granted a continuance of her PSO through a request for a permanent order, it is her belief and understanding that she was fully protected by her PSO and it was in full legal, prior Court ordered force until midnight Monday Dec. 21st. That Williams did violate that PSO prior to midnight due to his immediate, prohibited actions directly after court ended.

Williams did act fully upon his intentions and threats directly after Court and was arrested after drilling out the lock, breaking and entering into the PSO and bond protected party Mr. Oljaca's protected legal residence home. Which is a few hundred feet from Mr. Oljaca's PSO protected place of employment. This was photographed, witnessed by all 3, and the 2 responding and arresting Deputies, that Williams was inside Mr. Oljaca's home. His home is a few hundred feet from Petitioner's and the other witnesses home. Williams is proven to be mentally defective, dangerous, and has every intention of doing harm to the Petitioner, and others.

It is Petitioner's belief if there had been a bailiff in the Courtroom there would have been less intimidation, abuse and threats than what had gone on during the whole proceedings. Though the Magistrate chose not to stop or control Williams nor his attorney, a bailiff wouldn't have allowed some things or would have corrected some of it, or acted as a deterrent. The Bailiff would certainly not have allowed any of the many threats and abuse

done during the many long periods the Magistrate left the Courtroom and left Petitioner, or Petitioner and 1 witness left on the stand alone and there for subject to them unhindered. The bailiff would also have been a witness to these. Further the Magistrate was a woman and Williams has no respect at all for women and did not take her, nor the Court seriously.

Several times during the proceedings of sworn in open Court session the Magistrate did fully leave the Courtroom unsupervised for long periods of time. Done with no announcement prior to leaving, what they were for, nor for how long she would be leaving the Courtroom fully unsupervised. During these times the Petitioner was in fear, threatened, harassed and abused by Williams and his attorney when she was left alone with them for over 17 minutes at one instance. Petitioner was spoken to directly by Williams and his attorney, and called names and had her character maligned. Another time while 1st witness/victim was still on the stand but after giving some testimony which greatly displeased Williams, the Magistrate left the room for over 10 minutes. During that time Williams and his attorney did speak directly to both of them, and did threaten the witness as both were stating he was just fired that very moment from his job, and evicted from his legal residence/home, and then they both lied and falsely stated the board meeting where he was placed on the Corporate Board never happened, and that Williams was sole owner, sole proprietor of the Corporate entities. Both Williams and Mr. Detch his attorney did participate and communicate these threats to both parties, as well as make threats against Dr. DeMarais stating they were going to sue him to block his ROW to his home of 20 yrs, and build a short fence to block his ability to even get out of his garage. These were repeated by both several times.

It is our full belief that all of this was in clear violation of both parties PSOs and the Bond. As for Mr. Detch he is in clear violation of WV Rules of Professional Conduct, and the ABA. Detch, while the Magistrate was in the Courtroom and when negligently absent, not only threatened the victim and her witnesses, but used ad hominem attacks, disparaged their character, outright name calling, mocking, lied to the Court, and showed disrespect for victims and a witness, and called them liars. The Petitioner and witness unlike Williams, though they both work for the Corporate Boards, do not have fraudulent exclusive access to all the Corporations funds to use for their own personal attorneys like Williams does, so did not have the benefit of counsel to protect their rights and interests at the hearing. Upon Magistrates return we tried to inform her of the threats and violations, she shut us down.

When Petitioner's 1st witness entered the Courtroom Williams deliberately then moved his chair back so it blocked the witness from his ability to get to the stand. All while staring at him and growling and grunting. The witness and Petitioner were clearly upset by this. Mr. Oljaca did look to the Magistrate to assist him, and got no relief, that he continued to be loudly growled at by Williams, who basically had him pinned to the wall, and he had to push himself up against the wall noisily rubbing his clothes against it to try to pass to get to the witness stand. While the witness was on the stand he was mocked, harassed, and Detch told lies. Mr. Oljaca was even interrupted as he gave his name and titles, address and positions within the Corporations. Williams and Mr. Detch stated his statements were false, though they are very proven and documented to be true. Petitioner objected many times, and Magistrate made no finding nor gave instruction. My witness and I tried to correct for the record so the Magistrate would know the truth and have all the facts with which to make an informed opinion and decision. During this witnesses entire testimony he was loudly grunted and growled at the whole time by Williams. It was clear to all that this stopped the witness many times, caused him great discomfort and fear, disrupted his train of thought, actual ability to speak due to fear, and his ability to provide testimony without fear of retaliation. Petitioner pointed this out to the Court to no avail. That upon this witness leaving the stand to try to exit the Court room Mr. Detch now did as Mr. Oljaca approached him fully move his chair as to completely block this witnesses any ability to get past to leave the room. Witness did ask politely several times for Mr. Detch to move his chair, he did not comply. Witness asked the Magistrate to assist. Petitioner told the Court, they are doing it again, he can't get by, they are doing this on purpose. Magistrate seemed annoyed at the witness and not Mr. Detch at this problem. Finally Detch moved his chair so he could pass. The whole time Williams was looking at his attorney and laughing being very pleased with his actions.

When the 2nd witness entered the room he had been told of this obstruction by Mr. Oljaca and when he entered noticed it and he instead got to the witness stand by going directly in front of the Magistrate.

The 2nd witness was continually limited by the Court to her interpretation of section 8 and would not allow any witness accounts, evidence nor testimony on things from Section 8, 9, 10, 11, & 12. He was also growled and grunted at. This witness expressed he too tried to get, and believed he needed a PSO for he feared for his life and was trying to get protection and was hoping the Court given all this evidence could make a finding for an order for him. Witness stated he saw the injuries to Petitioner from the strangulation and the effects of them afterwards she suffered. That he had heard from both Petitioner and Mr. Oljaca their fears of Williams and tried to protect and assist them. He stated he was an eye witness and took pictures of the reported grand theft of Petitioners property and his attempt to use that as blackmail to not have Petitioner file charges or get a PSO. Detch objected and called it hearsay. Petitioner countered and stated that Dr. DeMarais was a direct witness and party to this. Magistrate said this testimony was not relevant to getting a PSO. Magistrate stated since the theft was not written in section 8, but was continued in section 9 that he could not speak of any of these things. Witness objected and stated that all of this was fully relevant, as he was an eye witness to it all, and a party in Williams' communications with regards to this Grand larceny, harassment, blackmail and fraud. He stated he took pictures, and that he knew all this was mentioned in the PSO request as stated he had fully read and studied it. He stated he feared greatly for Petitioners safety as well as for Mr. Oljaca and himself. He then went on to explained in detail how every aspect of his daily life has been altered by the danger we were under, and at great cost and expense. Magistrate stated it had no bearing on her decision, and that the theft and blackmail and fraud was not in section 8, but written in as a continuation in section 9.

Petitioner then brought up that surely the Court understood what fear, stress and duress a person is under that brings them to the point of going to fill out and get a PSO, and that that information was in the request for a PSO, and broad terms were used as it was known Williams would get a copy of the request forms and there is great fear in just retaliation from going to the Courts or law enforcement for help and protection. That all the things they were trying to present clearly pertains to Williams actions, and the clear evidence that I needed a PSO and should not be removed from our ability to explain fully all of the facts, truth and evidence, just because the Court was limiting them solely to a small amount of space allowed for section 8. That when she was filling out the form there were various pending charges and warrants and she had been told by law enforcement not to tip Williams off about the pending warrants they intend to serve and arrest Williams with. This was all explained to the Court at the opening of the session. But the Court ruled that witness number 2 was stuck with limiting anything she would listen to only to Wed. Sept. 30th, but then she even limited what he was offering for that date.

Mr. Detch and the Magistrate offered to settle the matter and grant the Petitioner a 2 year PSO, but that the 1000 ft restrictions had to be fully removed. Petitioner argued that if her person, her home, her place of work were not protected by 1000 ft she was still fully able to be snuck up on, ambushed or within unseen gun range and would not be safe. That Williams is proven very mentally defective as declared by VA Administration and SSDI, he is a violent psychopath and very dangerous. That the dangers and threats were escalating since the day he bonded out of jail. Williams already violated the current PSO, and that he had no regard for petitioners rights, safety, nor life and he did intend her very real deadly harm, is obsessed and fixated on her and was inciting others to also do so for him.

The Petitioner needs a full 2 year PSO, with the full 1000 ft safety zone, as well to have it include prohibiting character assassination, and demand he delete and remove all previous acts of this from the internet, and prohibit him from ever writing or using any versions of her names anywhere, or inferring to her in any manner in the future.

 1/7/16
Garland Elizabeth DeCourcy