

William White Williams

20 January, 2020

WV Judicial Investigation Commission
City Center East-Suite 1200A
4700 MacCorkle Avenue, SE
Charleston, WV 25304

Dear WV Judicial Investigations Commission,

This letter accompanies two complaints filed against a sitting judge in the 11th Judicial District of West Virginia, Jennifer P. Dent, in my attempt to establish with the WVJIC that probable cause exists to formally charge Judge Dent of the Pocahontas County Circuit Court with violations of the Code of Judicial Conduct.

One complaint addresses a civil case **17-C-AP-3** in which I was Plaintiff; the other a criminal case **16-M-AP-1** wherein I am the Defendant. The latter case is currently under appeal *pro se* to the WVSCA as case **19-0256**.

The litigants in both cases are the same people that appeared before Magistrates Wilfong (criminal) and Broce-Kelley (civil) in separate trials in Pocahontas County Magistrate Court. Both cases were appealed to Pocahontas Circuit Court with Judge Dent presiding in each. All cases were bench trials. Judge Dent affirmed the guilty verdict by biased Wilfong who had blurted out in her verdict speech that she had been abused herself and that "there will be no battery of females in my county." Wilfong was later suspended without pay for her serious violations of the Judicial Code of Conduct, cases **18-0891**, **19-0170**. On the civil appeal Dent overruled the judgment of Magistrate Broce-Kelley -- the only Court Officer who showed no fear of criticism from my obsessive Accuser, Garland DeCourcy, who has been proven to be a documented scam artist and has shown a pattern of abuse of the judicial process in at least two states. Instead of protecting a lawful citizen like myself Dent preferred to encourage the scammer to keep abusing the legal system by ruling in her favor in both cases. I believe my attorney Laura Finch was somehow coaxed by Judge Dent to start working against her client. In the beginning of her representation as my defense counsel Ms. Finch was confident we would prevail in both cases.

During this ongoing four-and-one-half-year ordeal in the 11th Judicial District of WV I was expecting from the beginning that there would be a presumption of my innocence in the false allegation of battery by my Accuser, that there would be an investigation of the facts by authorities and due process. In this #MeToo era where an unquestioned accusation by a female claimant frequently becomes guilty verdict, justice was not served. Fact!

I was disadvantaged in that there was never a presumption by the Court of my innocence; no investigators ever interviewed me -- only my accuser and her biased "witnesses," and due process was circumvented. Judge Dent was instrumental in seeing that I was jailed by excluding exculpatory evidence needed to prove my innocence; by not allowing me to represent myself and face my accuser; by denying all of my legitimate motions, even denying bond to properly prepare my appeal of her verdict, etc., as is laid out in these two JIC complaints, and expounded on in more detail with transcripts, affidavits, and other exhibits in my extended brief to the WVSCA.

I sincerely wish my good name and my faith in the justice system can be restored by this process. If I cannot finally find some measure of legal relief in this protracted process, however, I will be left no other course except to take my case to the public in a book similar to Harvard Law Professor Emeritus Alan Dershowitz's Guilt by Accusation: The Challenge of Proving Innocence in the Age of #MeToo. I am president of a publishing house.

Respectfully submitted,



William W. Williams

V. DOCUMENTATION:

1. Case Docket Sheet.
2. Transcript of 08/14/18 trial (file on thumb drive).
3. Transcript of 10/10/18 first sentencing hearing (file on thumb drive).
4. Transcript of 02/12/19 final sentencing hearing (file on thumb drive).
5. Two (of eight) representative photographs of Accuser DeCourcy's neck (file on thumb drive).
6. First (of three) *ex parte* letter from Accuser to Judge Dent (file on thumb drive).
7. Accuser's Victim Impact Statement (VIS). (file on thumb drive).
8. Three post-trial motions (file on thumb drive):
 - a) Motion for New Trial.
 - b) Motion to Unseal Ex parte Communications including two of Judge Dent's orders to seal *ex parte* letters.
 - c) Motion for Hearing Regarding Victim Impact Statement.
9. Primary witness Fred Streed's sworn Affidavit.
10. Email from Will Williams to Laura Finch confirming Judge's attempt to strike VIS.

IV. Statement Of Facts and Cannons Violated:

Complainant (Comp.) was wrongly convicted of misdemeanor battery by Judge Dent on 8/14/18. He and his three listed witnesses were in the courtroom that day and can confirm obvious judicial bias in violation of **Rule 2.2. and 2.3.** of **Cannon 2 of WV Judicial Conduct.** Comp. uncovered that judge had violated several Rules of **Cannon 2** after he had requested Case Docket Sheet (DS), #1, on 8/29/18. He undertook studying the Rule Book after noticing an obvious violation of **Rule 2.9** in DS .#1.

Comp.'s Accuser sent three private *ex parte* communications to the judge. First, #6, was a 14-page, single-spaced letter on 10/6/16. Second, on 10/18/16, a 62- page email; third on 11/28/16, another long email – that one in defiant violation of judge's direct order not to send her more private letters. Comp. was provided with copies of first two communications, but forbidden to be given copy of the third. He was only allowed to scan it briefly once in his counsel's office. The three illegal *ex parte* letters (in DS wrongly described as just two) from Accuser to the judge were sealed without Comp.'s knowledge or opportunity to object. Two orders, regarding sealing illegal letters, were filed on 12/15/16. In the first paragraphs Judge Dent orders sealing *ex parte* communications. However, in the next allows counsel and her client to discuss them for the purpose of litigation, but forbids giving copies to any person. #8b.

On first seeing DS it became clear that counsel Finch *intentionally* kept her client uninformed, regarding the sealing of illegal *ex parte* letters. Comp., with wife Lana as a witness, had been insisting all along that the exculpatory *ex parte* letters be used as defense exhibits to easily impeach his Accuser's truthfulness. Finch never informed her client that these documents had been sealed since 12/15/16, nor did she provide him with copies of any Court Orders that mentioned sealing them. In #8b, *11 counsel states Comp., "became concerned that the ex parte communication in this matter had been sealed after obtaining a docket sheet from the Circuit Clerk's office." Had Finch provided her client with copies of all those documents in time, she would certainly have objected that her client was unaware of the sealing until receiving the DS "following the trial in this matter." At #8b, *10, Finch admitted her failure to object to sealing the *ex parte* letters. At #8a, *2 Finch confirmed that Comp.

"requested of [her] that she cross-examine the complaining witness regarding the voluminous *ex parte* communications, which she failed to do." – proof that at some point Finch had begun working for the Court, rather than representing her client. When Finch first took Williams's criminal case she wrote to him: "This is going to be fun!," stating how easy it will be to prove Accuser is a liar, an abuser of the judicial process; that her undated selfies are invalid; and that there was no proper investigation by LE or by the Prosecutor. At some point Laura Finch took a position opposed to her client's defense.

The question of unsealing illegal letters was raised at the first sentencing hearing. Dent stated: "any new counsel would have access to it [*ex parte* communications], could request that it be obtained through unsealing the court file." # 3, 5. In the next paragraph Finch says "...he [Comp.] intends to represent himself." #3, 5. At the second sentencing hearing Dent denied the motion to unseal, #8b, *ex parte* letters, #4, 10, arguing that Williams was allowed to discuss the letters for "purpose of litigation" with his counsel. #4, 9. Sealed documents can't be used as EXHIBITs, so discussions with counsel for "purpose of litigation" makes no sense. Dent heard at first sentencing Comp.'s intention to make motion for a retrial and/or appeal to WVSCA. #3, 8. A few days before final sentencing she also could read in an attachment for Williams's Amendment For Motion For New Trial, "If Judge Dent denies motion for a new trial, having these [grounds] will be useful to me when appealing the verdict to WV Supreme Court." Sealing *ex parte* letters without giving Comp. the opportunity to object was not simply improper but possible Obstruction of Justice by an elected official, as interference with the process of justice by withholding important exculpatory information.

Judge also attempted to strike Accuser's 13-page Victim Impact Statement (VIS), #7. Email from Williams to Finch (#10) reflects that Williams, with his wife Lana listening on the extension phone, clearly heard Finch saying several times "Judge wants to strike VIS. Let's request this".

At first sentencing hearing Judge changed her mind, first granting, then denying Finch's motion to withdraw representation after a short private huddle, off the record, in her chamber with Finch and Special Prosecutor (SP) Via, #3, 6. It was done in violation of *the Assistance of Counsel Clause of Sixth*

Amendment that gives defendant *right to the effective assistance of counsel and right to represent oneself*. The SP was appointed on Accuser's demand in her illegal *ex parte* letters by *disqualifying* Pocahontas County Prosecuting Attorney Office (PA of PC). **#1, 1, line 35.**

A few days before his first sentencing hearing of 10/10/18 Defendant told Ms. Finch for the first time that he had been studying the WV statues as they relate to Defendant's rights, and that he might file a complaint against the Judge. *No one else* was told about a possible complaint. A few days later Dent stated that it had come to her attention that Williams "may seek to file a complaint against the Court." **#3, 6.** Comp. believes that Dent, Finch and SP Via all violated ***Rule 8.4. Misconduct (C, D, F).***

Violation of ***Rule 2.4.(A)*** Comp. suspects that the reason for Dent's bias was her fear of Accuser's criticism. In the first *ex parte* letter , **#6**, DeCourcy badmouthed nearly all Pocahontas Court officers, except Dent and Via. Likely, Dent and Via didn't want to be badmouthed in Accuser's future letters and complaints in the event Williams is found not guilty at trial. Via was Dent's boss a few months before sealing *ex parte* communications. DeCourcy also sued both Judge Dent *and* Comp. before WVSCA during the criminal case trial (***WVSC #17-0572***). Details will be submitted in a civil case complaint.

DeCourcy fled WV soon after Williams stated at his first sentencing hearing (**#3**) that he would personally question numerous factual inaccuracies in Accuser's VIS. Finch told Williams that she had informed Dent and Via of Accuser's fleeing. Despite knowledge of that and seeing the positive report about Comp. from Probation Officer Robert Tooze, Dent was intent on jailing Williams.

Dent also saw sworn Affidavit of Comp.'s primary witness, Mr. Fred Streed, **#9**, attached to Comp.'s Amendment For Motion For New Trial prior to the final hearing. At that hearing Comp. was allowed to speak freely for the first time and listed **several** grounds showing due process wasn't provided him. **#4, 21-32.** Judge should have considered and granted Defense motion for a hearing for VIS questioning, as well as its equally well-grounded motions for a new trial and to unseal Accuser's defamatory, exculpatory *ex parte* communications. Each of these three motions was denied. **#4, 10, 15, 17.** Denial of request for a hearing to question VIS violated ***Rule 2.6, §61-11A-3(e) of WV Code*** and

The Sixth Amendment's Confrontation Clause. Dent even denied Comp's request for post-conviction bond, knowing that Williams has clean record, stable marriage and good character, according to PO Tooze's report, and that he intended to appeal to WVSCA. **#4, 39.** Comp. was remanded directly to jail.

Comp. desires that Accuser's entire trial testimony, **#2, 8-74,** be read for JIC to see her many unresponsive, rambling answers, and attempts to fool Officers of the Circuit Court with obvious lies, contradicting herself, playing dumb, repeating "I can't hear, I can't see, I can't remember," and constantly interrupting and talking out of turn. The listed witness Meredith Kellar was the one whom DeCourcy confessed in June 2015 that she had been diagnosed with an Asperger's Syndrome. Some level of Accuser's mental disorder is on display in her outrageous demeanor at trial and in her writings, **#6, #7,** yet Judge Dent would not acknowledge the obvious. Comp. will provide a few examples from trial transcript. **#2.** Note the number of times Accuser would give long unhinged, off-topic answers before SP Via or Ms. Finch could finish formulating their questions. **19, 23, 24.** Note the number of times Accuser would not stop running her mouth while Judge Dent was ruling on Ms. Finch's objections. **16, 18, 20.** She was advised by SP Via, by Ms. Finch, and ordered by Judge Dent to listen attentively and give short answers to yes or no questions instead of running her mouth. She was unable to do so and, instead, would make more unsubstantiated accusations against the Comp. **16, 37, 41, 44, 59.** Even the simplest questions like requests to name the document/exhibit she had been handed would need to be repeated several times. **37-44, 44-45, 46-47.** Here are just two examples of Accuser contradicting herself. DeCourcy lied that she had never been asked to separate from her employment by Comp. **52-56.** Minutes later she contradicted that sworn testimony and admitted that she *had* in fact received the Termination of Contract document from Williams, her former employer. **59-62.** Accuser contradicts herself again when asked if she had been paid for the month of September 2015: In line 9 of page **48** she said, "No." In line 13 of the same page she admits, yes, " I did (get paid)."

Comp. hopes that Accuser's entire description of the fabricated "battery" incident as a long brutal fight, **20-24,** will be read by the JIC to realize Accuser's over-the-top theatrics and testimony that

contradict her photographic “evidence,” #5, not to mention serious contradictions between her and her biased witness/boyfriend Michael Oljaca's earlier sworn descriptions of the altercation. Accuser testified: "...when he [Comp.] started across the room, he had a fist that was going to smash me in the head. And when he came across, he is aiming and he is hitting my neck [more than once?]. I got knocked back into chairs." 20. Comp. is 6', 220 lbs. If he was "hitting [DeCourcy's] neck," which knocked her into chairs, surely there would be significant visible damage to Accuser's neck besides two little pink spots that were declared the result of that. After allegedly hitting Accuser's neck with his fist Comp., in DeCourcy's words, then choked her using *both* hands around her neck. 22. If *both* hands were used for the alleged "choking," there would certainly be more than two little pink spots seen on the eight *undated, untime-stamped* photographs that Accuser and her "witness" Michael Oljaca said were taken right after the alleged incident. #5. Accuser describes the injuries in the photographs as “the swelling and the scratch marks.” 29. Photographs, #5, do not show either swelling or scratch marks, just tiny pink spots. Accuser testified when asked “if the red marks [in the photos of her neck] could easily have been made by pinching oneself?,” she replies, “Oh no. You can see in the photo. It's from [Comp.'s] nails pulling on me. The nails start here. And then it pulls. And then it's raised.” 65 . The selfie photos of little red marks show nothing of the sort, and the marks *could have been self inflicted* by pinching. Judge stated in her verdict that photographs show “swelling,” which is a misrepresentation of facts. Dent also concluded that the photos are “consistent with the type of injury that was described by Ms. DeCourcy in her testimony.” 186. Another example of misrepresentation of facts is Judge's saying that Mrs. Williams (Comp.'s wife Svetlana) testified that Accuser told her that she “had been choked by Mr. Williams.”188. Lana's words were “*he tried to choke me*”. This precise expression was repeated twice.153, 159. Via and Dent conveniently ignored the first part of Lana's testimony: "Garland answered the phone and I asked her standard questions, 'how are you, what's up.' And she started telling me what's going on. She told me several news and she was talking about Will, but she didn't say one word that something abnormal just happened." 152. The fact is that in about half hour after being

"beaten up" by a large man, for 20-25 minutes conversation, Mrs. Williams "didn't notice any difference whatsoever in her mood, in her voice, compared to our regular conversation," **153**. This apparently didn't raise any suspicions about Accuser's claims from the court officers. Yet the idea that Accuser, who had been lying and contradicting herself during her entire testimony, could easily lie to Lana that Comp. only "*tried* to choke" her didn't seem to raise reasonable doubt about Accuser's reliability among them. Testimony of Trooper Brock, **#2, 166-67**, that contradicted Accuser's lie that he prepared his 10/31/15 report outside her presence and forced her to sign, **#2, 38-42**, was also ignored.

Counsel Finch who was working for the court instead of her client failed to object to the unvalidated photos used for Accuser's "battery" claim (to get TRO to keep Comp. off NA property), and to properly use good exhibits she agreed to submit under Comp.'s insistence. Closing argument of Finch was short and weak, but still mentioned several serious lies of Accuser under oath. **180-184**.

Judge Dent could not honestly say in her verdict that she found Accuser's testimony unconditionally credible, but only that "to the extent it was consistent with her statements."**188**. First, there were obvious inconsistencies and contradictions in "her statements" that Comp. provided in his Reply Brief (filed 11/8/19, case **#19-0256**), but limited by space to provide here. Second, by this standard Judge Dent's conclusion suggests that the Accuser, a documented scammer, can make a false claim of a "crime," that is poorly investigated, then just be consistent with this questionable claim in order to prevail, despite having been caught in several lies throughout the trial of her Accused.

Comp.'s testimony, **100-151**, clearly shows his scrupulous honesty and is consistent with his report to Trooper Brock of 10/31/15, with his wife testimony and her description of the alleged incident in the email to Accuser which was sent almost two months before DeCourcy filed her complaint.

Judge Dent ignored Defense's essential evidence and testimony and pretended to believe Accuser, her invalidated photos and her proven, biased witness and co-conspirator Robert DeMarais. **89, 91, 92**.

Complainant Williams considers his experience with Judge Dent was practically a "show trial" where he had no chance to be found not guilty. Judge Dent didn't even pretend to be fair and impartial.

From: Will Williams <XXXwhite@gmail.com>
Date: Fri, Feb 1, 2019 at 7:23 PM
Subject: Re: Fw: 16-M-AP-01, W. Williams
To: Laura Finch <XXX@outlook.com>

Thanks for the explanation, Laura. I'll be by the phone at 10AM tomorrow. I have stuff to do before and after.

My intention is not to insult the court but to clear my name from a wrongful conviction in that court by invoking defendant's rights prior to sentencing. Of course the new evidence -- ex parte communications and the VIS -- will certainly do that once scrutinized.

Judge Dent insulted *me* by telling me through you multiple times that she wanted to strike the VIS. She must think I'm a fool. She already awarded the lying thief, now a fugitive, over two thousand dollars worth of our equipment that everybody in the county except her knows DeCrazy stole from us. Who's the fool? Why would I not question her judgment in this criminal case after that and after finding me guilty of battery on nothing but my lying accuser's word, unvalidated, undatestamped selfie photos and my admission that I told the threatening, insubordinate employee wagging her finger in my face and screaming at me, to shut the fuck up!

Will

On Fri, Feb 1, 2019 at 4:32 PM Laura Finch <XXX@outlook.com> wrote:

Hi Will, I've attached the rule on motions for new trial (Rule 33). There is no rule on motions for reconsideration of verdict of bench trial. Reconsideration is commonly used in our civil court, but for criminal purposes, it would be under the rule for reduction of sentence (Rule 35). So, in West Virginia, the rules are basically reversed from what you said—new trial is requested before sentencing, reconsideration (reduction of sentence) is requested afterwards.

The reason I haven't requested reconsideration of verdict is for this reason, but also because it has the effect of insulting the court in a way—questioning her judgment about the evidence provided. The best outcome at this stage would be to convince her that other evidence (than that presented) should be considered, for the purposes of judgment.

I can review your revisions to the motions, but I will not be submitting Lana's versions of these motions. What time are you available for a phone call, tomorrow?

Thanks, Laura

From: Will Williams <XXXwhite@gmail.com>
Sent: Tuesday, January 29, 2019 6:54 PM
To: Laura Finch <XXX@outlook.com>
Cc: National Alliance Chairman <XXX@natall.com>
Subject: Re: Fw: 16-M-AP-01, W. Williams

Hey, Laura!

Again, for your convenience, I've made some changes in your draft Motion to unseal ex parte, so you can cut & paste and edit, if you want. Please do not change the substance.

These need to be filed ASAP. I don't see how Judge Dent can call a hearing before 12 February for questioning DeCourcy's VIS. I want Robert Tooze to be there, if he has to be subpoenaed. He's supposed to be at the 12

February sentencing, so the Motion to question VIS should best be dealt with then, since he's already scheduled to be there for my sentencing. GC boasted to him about how she wished to speak orally at my sentencing to back up the outrageous claims in her written VIS. I'm entitled to face my accuser and impeach her claims.

The Court should consider the burden it is for me to have to come to WV *twice* for a pre-sentencing hearing on short notice *and* to the 12 February sentencing. I am booked solid here until the 11th, something planned every day.

We need to talk soon after you read this. Please call me. You still haven't told me why you didn't prepare a Motion for the Judge to reconsider her guilty verdict.

I understand the Motion for a new trial that you drafted is made post-sentencing, not pre-sentencing.

Will

IN THE CIRCUIT COURT...

[...]

COMES NOW the Defendant, by counsel Laura M. Finch, requesting an order of the Court vacating that prior order directing that certain ex parte communications be sealed to protect the safety of the parties, stating that:

1. On or about October 6, 2016, the complaining witness in this matter Garland DeCourcy, also known as the Victim, submitted to "honorable Jennifer P. Dent" a 14-page ex parte communication in letter form, telling the judge that it was urgent that she protect her life and the lives of others from the Defendant who she claims is violent and homicidal and must be jailed for his "attempted homicide" of her. Victim tells the Judge in the first paragraph of the private letter her "need" that the private letter to be "held in confidence" and "not be shared with Williams or his attorney's [sic], or as you will see the Pocahontas county prosecutors office, or the Magistrates Court." Victim tells the Judge in the second paragraph that certain law enforcement are working with/helping Defendant and that the Judge needs to ensure that a Special Prosecutor be assigned to the case. On page 10 of this first ex parte letter Victim says County Prosecutor Simmons is "corrupt, lazy, and senile...and that most days he naps, or wanders around the court house not knowing where he is."

2. Twelve days later, on October 18, the Victim, submitted a second ex parte communication to the Court in the form of an email that is 62 pages long. The Subject title is: "Immediate & eminent threat of death, by convicted Defendant William W. Williams..." This second ex parte communication is not mentioned in the Case Docket Sheet, except as combined with the first one.

3. By Order entered 28 October a status hearing was set for November 2, 2016 with extra security, presumably because of the alleged violent nature of the "homicidal" Defendant as described by the Victim in her 75 pages of improper private communications, intended to deceive and influence the judge in this matter.

Defendant was told prior to that hearing by his counsel that he need not travel from Tennessee for this special hearing with its additional security. Defendant understood that the extra security was due directly to the inflammatory material misrepresentations that his accuser sent to the judge.

4. On November 2, 2016, the Court announced at a status hearing the receipt of the first two ex parte communications from the Victim, and against the Victim's expressed wishes, her illegal communications to the judge had been distributed to both the Defense counsel and the Prosecutor's Office. Victim was told to not send any more ex parte communications to the Judge. Defendant has these first two ex parte communications, all 75 pages, in hand, ever since then and fully expected that because these exhibits are in evidence that they will be

used for his defense to impeach his accuser's many unsubstantiated claims therein.

Upon unsealing the ex parte communications, If the Court can be shown that the Victim makes false claims about the Defendant in the her ex parte communications with such facility, reasonable doubt will be raised as to her claims of a battery by the Defendant -- a questionable battery for which she has no witnesses and invalidated "selfie" evidence.

5. On December 2, 2016, the County Prosecutor, having seen the allegations made against him in Victim's first ex parte letter to Judge Dent, requests that a Special Prosecutor be named. Judge Dent enters Order disqualifying the Pocahontas County Prosecutor and sets in motion the procedure for naming a Special Prosecutor.

6. On 15 December, 2016, the Court ordered the first two ex parte communications sealed and Victim was ordered in a letter from Judge Dent to cease writing ex parte communications to her. Defendant does not have a copy of this Victim's third ex parte letter, dated November 28 (misnamed the "second ex parte communication" in the Docket Sheet). It was sealed by the Judge on 15 December, 2016. Defendant was briefly shown by counsel the third illegal ex parte communication from his accuser to the Judge, but was ordered by the Judge to not to be provided a copy of it.

Special Prosecutor Patrick Via was appointed to prosecute Defendant's appeal of Magistrate Court's conviction.

7. Defendant was unaware that the ex parte communications had been sealed until he obtained a copy of the Docket Sheet from the Clerk on August 29, 2018, two weeks after being found guilty in Circuit Court. According to the Docket Sheet, a pre-trial conference was held between Defense counsel Laura Finch and Brett Ludwig of the Special Prosecutor's Office on February 1, 2017. The entry for that pre-trial conference states: "DEFENSE HAS NO OBJECTION TO EX PARTE FROM GARLAND DECOURCY SINCE IT IS SEALED IN THE FILE." The entry also states: "DEF APPEARING BY PHONE." Had the Defendant appeared by phone at this pre-trial conference so he could hear the proceedings, he would have objected vigorously to the sealing of these vital defense exhibits. He had been told he did not need to come from his home in Tennessee to attend this pre-trial conference.

8. Defendant was convicted on 14 August, 2018, and the ex parte communications he wanted to use in his defense were not even listed exhibits for trial, because his counsel had been told by the Court that they were ordered sealed. This is a problem.

9. Defendant cites Canon 3 of the West Virginia Judicial Code of Conduct that when a judge receives an unauthorized ex parte communication bearing on the substance of the matter -- in the Defendant's case the alleged "attempted homicide" claimed by his accuser, who wrote the illegal letters -- that the judge should promptly notify the parties of the subject matter of the communication and allow the parties an opportunity to respond, if requested."

8. It should be noted at this time, if the Court has not been notified already, that based in information and belief the state's claiming witness, Ms. DeCourcy, fled West Virginia back on 27 October to parts unknown, presumably to another state. The Defendant made clear at his October 10th sentencing, at which she was in attendance, his intentions to file a pre-sentencing Motion for a hearing so that he could question factual inaccuracies in the victim impact statement she submitted to the Court on September 29, 2016.

Defendant's contention, though the Victim told Probation Officer Tooze that she wanted to speak orally at her "batterer's" sentencing, is that his accuser can not possibly substantiate numerous outrageous claims, made *per se* by her, of criminality against the Defendant in her 13-page written impact statement, or in the three ex parte communications that make many of the same mendacious claims, sent directly to the Judge in this matter, privately.

WHEREFORE, Defendant prays that the Court will unseal all ex parte communications, including the third one dated November 28, 2016, for his use as defense exhibits in either a pre-sentencing hearing he has requested to question factual inaccuracies repeated in his accuser's 13-page victim impact statement, or, if sentenced, in a new trial with the new evidence that had been denied him at trial. Defendant contends that the sealing of his accuser's paranoic ex parte communications has given her and the state of West Virginia procedural and substantive advantage in his prosecution for misdemeanor battery in September of 2015.

WWW
by counsel

Laura M. Finch....
