

William White Williams

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e-m

20 February, 2020

Office of Disciplinary Counsel
City Center East, Suite 1200C
4700 MacCorkle Avenue SE
Charleston, West Virginia 25304

Dear Office of Disciplinary Counsel,

This letter accompanies two complaints filed against two lawyers in the 11th Judicial District of West Virginia, Laura M Finch, my former defense counsel, and Mr. Patrick I Via, the special prosecutor that was brought in for my Circuit Court (CC) appeal. My intent is to establish their violations of the Rules of Professional Conduct.

Mr. Via violated the Rules as a Special Prosecutor (SP) on a criminal case **16-M-AP-1** wherein I am the Defendant. That case is currently under appeal *pro se* to the WVSCA as case **19-0256**. Ms. Finch violated the Rules representing me in both the criminal case **16-M-AP-1**, and a civil case **17-C-AP-3** in which I was Plaintiff.

After being wrongly convicted of misdemeanor battery in Pocahontas County (PC) I investigated and discovered that the CC judge for both appeals, Jennifer P Dent, had violated several Rules of WV Judicial Code of Conduct. My two complaints against Dent were received by WV Judicial Investigation Commission on 01/27/20. My investigation also revealed that both Dent and Via had an obvious unprofessional bias against me. Ms. Finch was somehow coaxed by Judge Dent, or by SP Via, or by both to work for the Court instead of for her client. In the beginning of her representation as my attorney Ms. Finch was confident we would prevail in both cases. Via was Dent's boss just a few months before he was appointed to be a SP on the case. In the following two complaints I will present evidence of a conspiracy against me by the three above named Court Officers. A damaging false conviction for being a woman beater is my concern. I am providing the WV Bar with the three transcripts that clearly show my trial was practically a show trial where I had no chance to be found not guilty.

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 obsessive Accuser Garland DeCourcy, that there would be an investigation of the facts by authorities and due process. In this #MeToo era when an accusation is brought by my vengeful, unreliable female claimant, who has an unquestioned motive, led to a guilty verdict, justice was not served. Thus my appeal to the highest WV Court.

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, coached "witnesses," and due process was circumvented. All three Officers -- Dent, Via, and Finch -- have violated **Rule 8.4 (C,D,F)**. All three misrepresented facts; all three committed what can be called Obstruction of Justice by elected officials by conspiring to withhold important exculpatory information. This is all laid out in the two JIC complaints against Judge Dent, and expounded on in more detail with transcripts, affidavits, and other exhibits in my two extensive briefs 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

DOCUMENTATION:

1. Criminal 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. 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.
 6. First of three *ex parte* letters from Accuser to Judge Dent (file on thumb drive).
 7. Victim Impact Statement (file on thumb drive).
 8. Primary Defense witness Fred Streed's sworn Affidavit.
 9. Two (of eight) representative photographs of Accuser DeCourcy's neck (files on thumb drive).
 10. Email from Will Williams to Laura Finch confirming Judge's attempt to strike VIS.
 11. Laura's Finch's "This is going to be fun" note on 04/25/16 hearing with notes from Complainant.
 12. Termination of Contract.
 13. Comp.'s email correspondence with Accuser's main witness in MC Michael Oljaca.
 14. Civil case Docket Sheet.
 15. Letter from DeCourcy to Magistrate Court sent from stolen FAX machine.
 16. Civil Judgement Order by Magistrate Broce-Kelley.
 17. Civil case's Dismissal Order.
 18. Emails from Will and Lana Williams to Laura Finch showing Finch's unprofessional three weeks delay before sending Williams' file to him so he could file Notice of Appeal to WVSCA.

6. DETAILS OF COMPLAINT

Complainant (Comp.) hired Ms. Finch in April 2016 after being found guilty of misdemeanor battery on 03/28/16 by obviously biased Magistrate Carrie 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.” His first attorney Paul Detch provided no defense whatsoever advising Williams before the trial: “Let's just let DeCourcy run her mouth and she will reveal that she is crazy.” Comp. was Finch's first client in Pocahontas Court and she easily won the first case for Williams where he was found not guilty of violating a phony TRO, requested by DeCourcy's boyfriend co-conspirator and “witness” Michael Oljaca. DeCourcy was already a documented scam artist and judicial process abuser in at least two jurisdictions. The “battery” claim was needed to keep Comp. off the WV property in DeCourcy and her co-conspirators' failed attempts to oust Williams as the duly appointed Chairman of National Alliance Inc. (NA). At that first Magistrate hearing, 26 April 2016, Finch saw DeCourcy acting crazy and obviously lying under oath. Finch wrote to Williams on that hearing: ”This is going to be fun” #11, proving Accuser is a liar, that her undated selfies are invalid; that there is an obvious abuse of the judicial process by her; and that there was no proper investigation by LE or by the Prosecutor.

Ms. Finch's attitude began changing after Accuser sent three *ex parte* letters to the Circuit Court (CC) Judge Jennifer Dent. In the first *ex parte* letter, #6, DeCourcy badmouthed every Officer of the Court who failed to do what she demanded of them. Likely, Judge Dent and SP Via didn't want to be badmouthed in DeCourcy's future complaints should Williams be found not guilty at trial. Via was appointed on Accuser's demand for special prosecutor for Williams' appeal in her first illegal letter, #6, along with her request to disqualify Pocahontas County (PC) Prosecuting Attorney (PA) Office.

PA Simmons was smeared by DeCourcy in the first illegal letter as “lazy, corrupt and senile.” #6, 10.

The first *ex parte* letter was full of easily refuted lies. Upon first seeing that, prior to her being corrupted, Ms. Finch said that DeCourcy “shot herself in her foot by sending those letters.” Comp. was provided with copies of the first two *ex parte* letters of 10/06/16 and 10/18/16 (in Case Docket Sheet

(DS) they both are counted as “the first *ex parte* communication,” **#1, 1**. Comp. was forbidden to be given a copy of the third one. Once seeing those letters, Williams, with his wife Lana as a witness, insisted using those letters as exhibits to easily impeach Accuser's truthfulness. Inexplicably, Ms. Finch began telling Comp. and Lana that there would be no point to use exculpatory communications.

Two weeks after being found guilty at 08/14/18 bench trial, **#2**, Williams requested a copy of DS from the Clerk for the first time and was shocked to learn that the illegal *ex parte* letters were sealed 12/15/16. About 5 October 2018, a few days before the first sentencing hearing, Lana asked Ms. Finch directly by telephone if she knew about *ex parte* letters being sealed. After a long pause Ms. Finch answered, “No.” That was a lie; she knew full well since sealing letters were mentioned in Dent's numerous orders. Ms. Finch *intentionally* kept Comp. uninformed. Finch also knew her client had insisted on using *ex parte* letters as evidence and would have vigorously objected to sealing them. The night before the trial, Comp. and Lana were in Finch's office. Williams said again: “Tomorrow I want you to make DeCourcy read at least the first paragraphs of her first *ex parte* letter, **#6**, where she orders Judge Dent to not share her letters with *anybody*, where she states that PC Magistrates and LE have been working for Williams.” Ms. Finch again pretended not to know that those letters were sealed. After reading those paragraphs she said that she saw nothing abnormal in them. Had Finch submitted *ex parte* letters as Defense exhibits and properly used them to impeach Accuser's truthfulness, it would not have been possible to find the Comp. guilty by a fair-minded judge in an honest Pocahontas Court.

Besides assisting Judge Dent in excluding exculpatory *ex parte* letters, a few days before the final sentencing hearing Ms. Finch repeated several times in a phone conversation with Comp.: “Judge wants to strike the Victim Impact Statement. **#7**. Lets request it.” Lana heard this while on an extension phone; the email from Comp. to Finch, confirming that strange request from Dent is attached. **#10, 1**.

Proof that Ms.Finch never provided Comp. with any of the Judge's orders can be seen in the Motion to Unseal. In **#5b,*11** of that motion counsel states that 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." The sealing of illegal letters was mentioned in a few other documents besides what was later submitted by Finch with her Motion to Unseal, **#5b**. If Finch had provided Comp. with copies of all those documents in time, she would certainly have objected that her client didn't know about the sealing until he, on his own, eventually requested and received the DS "following the trial in this matter." **#5b, 2**. At **#5b,*10**, Ms. Finch admitted her failure to object to sealing the *ex parte* letters. At **#5a,*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." Smoking gun!

Failing to provide Defendant with numerous extremely important documents and her not letting him object to sealing exculpatory evidence are not only the proof of ineffective counsel, but of a serious violation of ***WV Rule of Professional Conduct 8.4. Misconduct:(C, D, F)***.

A few days before his first sentencing hearing, 10/10/18, Williams told Ms. Finch for the first time that he had been studying online the ***WV Judicial Code of Conduct*** and ***Chapter 61 of WV Code*** – as related to Defendant's rights, and that he might file a complaint against the Judge. *No one* else was told about a possible complaint. Transcript of the 10/10/18 hearing shows that just a few days later, Judge Dent stated that it had come to her attention that Defendant "may seek to file a complaint against the Court." **#3, 6**. Comp. considers his counsel's informing the Judge of this to be improper, at least, and a betrayal of the supposedly sacrosanct attorney/client confidentiality. In addition to her failure to object to the sealing *ex parte* letters and informing Comp. of the sealing, that statement by Judge Dent was another confirmation that at some point in her representation of Williams Ms. Finch had begun working for the Court instead of vigorously defending the wrongly charged client who was paying her to defend him. It was at this point that Williams knew Ms. Finch had to be relieved as his counsel. In the transcript of the first sentencing hearing of 10/10/18 Judge Dent first said, "I am going to allow, Ms. Finch, your withdraw[al]." **#3, 6**. Yet shortly after essentially allowing Comp. his right to represent himself going forward, the judge met privately with Ms. Finch and Mr. Via in an unrecorded huddle in her private chamber. Judge Dent returned to the bench from that *in camera* powwow and said, on the

record, "I am going to deny the motion to withdraw..." #3, 7. She took back the Court's control over Defendant Williams by forcing him to accept representation by corrupted counsel Finch.

Ms. Finch had been ignoring her client's numerous requests to call Comp.'s primary witness Fred Streed or to advise Mr. Via to do this. None of the Court Officers, including "investigators," ever called Mr. Streed to question his notarized, sworn Affidavit, dated 03/24/16, that he had prepared for the Court since he now resides in Oregon and it would be difficult for him to appear. #8.

With Comp.'s pressure Finch finally provided Mr. Via with Mr. Streed's Affidavit, but only a week or so before the 8/14/18 trial; it was ignored by Via. Ms. Finch refused to provide the important part of Streed's Affidavit, "Exhibit A," showing DeCourcy to be a pathological liar. Mr. Streed, who was on the NA premises when the alleged "battery" took place on 30 September, 2015, and had talked to Comp., to his Accuser, and to her "witness" shortly after – the same morning, and throughout that day – has never received a call from Laura Finch though he was willing to be the key witness for the Defense.

Williams bought \$800 round trip for Streed to fly to be a witness at the trial, but Mr. Streed had a health emergency while waiting in line at Oregon airport. After getting shocking news that Fred could not make it from Streed's wife, Comp. and Lana called Finch and heard a cold and cruel "If he wanted to come he would come" from her. Comp. had been asking Ms. Finch to request opportunity for Streed to testify by phone due to his age and serious health condition all along. He repeated this request after Streed's emergency at the airport. After speaking with SP Via Ms. Finch said to Comp. that Via made a condition: Streed can only testify telephonically if Accuser's main witness in Magistrate Court (MC) Michael Oljaca could testify by phone. #2, 139. A good Defense counsel would point out to Via that bargaining like that violates ***Rule 3.8 Special Responsibilities Of a Prosecutor(G)***. Since Finch was not prepared to cross-examine Oljaca by phone the next morning, she advised to not accept Via's bluff condition. It was not likely that Oljaca would lie further for DeCourcy from NYC where he had fled.

Comp. has another vital witness, NA Media Director Kevin Strom, who informed Williams about

Accuser's phone calls to him after she had already started her campaign to oust Comp. as NA Chairman, but neglected to inform him in time that there were two calls from Accuser on the day of the alleged incident, 30 September, 2015. In her first call Accuser just said that Williams had lost his temper and yelled at her. A few hours later that same day she called again and said that Williams had been choking her. Mr. Strom said that he then concluded that Accuser's story was so inconsistent that she was lying. Comp. learned Accuser's two 9/30/15 calls to Mr. Strom only after Strom had arrived in Marlinton, WV, from his home in Pennsylvania, a few hours before the 8/14/18 trial. Ms. Finch informed Comp. that it was too late to add Strom to the witness list. Comp. believes it would not be too late if Ms. Finch had a goal to win the case. Williams informed Finch after the lunch break, and after Accuser's testimony that morning that Strom had witnessed Accuser's testimony of the alleged battery in court and that it was wildly inconsistent with the versions she had related to him nearly three years previously on the day of the "argument." Comp. asked Ms. Finch to make a *strong* point about his important new witness in her motion for a new trial at the final sentencing. Finch's made this point in her motion for a new trial, but as weak and ineffective as she could have possibly made it. #5a,*4.

Even though Ms. Finch told Williams in the beginning that "DeCourcy's undated selfies are invalid" she failed to object to them as the State's main evidence of "battery." #2, 34. Comp. believes it was done by Finch on purpose since if the State lost its *only* evidence it would not be possible to find Williams guilty. Three of eight unvalidated pictures were allegedly taken by DeCourcy's boyfriend Oljaca. Finch submitted as EXHIBIT 8, #2, 4, Oljaca's email to Williams, # 13, showing his great fear of his co-plotters, DeCourcy and DeMarais, but she hardly used that essential exhibit, #2, 144-147, to prove that Oljaca was a corrupted witness. Comp. himself managed to go off of Via's and likely Finch's script to read that essential part about Oljaca's fear during his testimony. #2, 145. Finch's use of Oljaca's and Williams's email exchange was mostly just asking him if it was "smart to send that email [Comp.'s email reply]." #2, 148-150. When Williams was cross-examined by Mr. Via about his response to

Oljaca's September 2016 email to him, characterizing it as "witness tampering," Comp. responded, showing how ridiculous was Via's accusation: "He contacted *me*. And they call that witness tampering? I don't generally, when I tamper with witnesses, I don't wait until they contact me first, you know." #2, 148. Later Williams clarified that his flip response was an unfortunate joke, #2, 149, said to make his point that "witness" Oljaca had contacted *him*, not *vice versa*. In her closing argument Ms. Finch stated, "Mr. Williams lied when he was asked if he had tampered with witnesses. And he was impeached on it." #2, 182. What kind of defense lawyer would make such an offensive and false statement in defense of her client? A reasonable person reading Comp.'s testimony should see that he did not "lie," was scrupulously honest and was never evasive at every step of his sworn testimony. #2, 100-0150.

Counsel Finch failed to point out an obvious contradiction between the photographs, #9a,b, and Accuser's description of them. Accuser describes the injuries on the photographs as "the swelling and the scratch marks." #2, 29. Photographs, #9a,b, do not show either swelling or scratch marks, just tiny pink spots. On #2, 65 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." The selfies of little red marks show nothing of the sort, and the marks *could have been self inflicted* by pinching.

Ms. Finch always failed to raise exculpatory evidence of Accuser's obvious motive for her "battery" claim: her coup attempt. Though Williams explained that many times, Finch kept repeating that motive is not relevant. She refused to submit as evidence Accuser's essential letters, with descriptions of the alleged incident that contradicted other written descriptions of a supposed "attempted homicide."

Despite his living over 200 miles away from Pocahontas County, Williams and Ms.Finch had many long conversations in person and by phone during three years of her representation of him. Comp. and his wife Lana also have sent counsel nearly 100 long emails with legal research and vital proving documents attached. Most were unacknowledged by Ms Finch. It became apparent that Ms. Finch

ignored many of those helpful emails. For example, Williams explained to Ms. Finch many times that Accuser is delusional, believing and stating that two of her coup-plotters and "witnesses," boyfriend Michael Oljaca and employer John McLaughlin, are the "true" NA Board while claiming Comp.'s duly appointed Chairmanship and National Alliance Board Presidency is fraudulent. Counsel Finch was communicating with NA's Corporate attorney in Virginia, Andrew Bury, on that subject and was provided with, among other corporate documents – such as Annual Reports, etc. -- NA's By-Laws, stating NA President's (Williams's) absolute authority to name and remove Directors at his pleasure. Ms. Finch was given copies of the official certified, return receipt letters, that removed, Oljaca and McLaughlin from NA Board on 10 March, 2016, by the NA Chairman, that were mailed to Accuser's co-plotters after getting Mr. Bury's approval – and were signed for by both recipients. Nevertheless, despite Accuser's numerous lies about her "real board" and its phantom board meetings, phantom minutes, etc., during her examination of Accuser, **#2, 54** Ms. Finch failed to ask probative questions on this subject to easily trap Accuser in her outrageous lies. Accuser lied that she had never been asked to separate from her employment by Comp, **#2, 52-56**. Later DeCourcy contradicted that sworn testimony and admitted that she *had in fact* received the Termination of Contract document, **#12**, from Williams, **#2, 59-62**, but kept denying ever being asked to separate from her employment. After clearly catching Accuser on that lie Finch failed to point to the Court that DeCourcy openly lies or plays dumb under oath. Accuser's contradicts herself when asked if she had been paid for the month of September 2015: In line 9 of page **68** she said, "No." In line 13 of the same page she admits, yes, "I did (get paid)." **#2,68**.

During Accuser's testimony at the trial, **#2, 8-74**, Ms. Finch repeatedly failed to object to Accuser's refusal to respond to her questions during cross-examination. She also failed to point out Accuser's obvious numerous lies and contradictions in her written descriptions of the alleged incident and those by her main witness in MC, boyfriend Michael Oljaca. There is no transcript of the Magistrate trial, **15-M38M-00687**, but there is boyfriend Oljaca's written statement that is considerably different from

Accuser's and nearly opposite of the Comp.'s short statement made to WV State Trooper Damon Brock on 31 October, the first day Williams had heard of his Accuser's imagined "choking" incident on 30 September, 2015. According to Accuser's trial testimony, #2, 20-24, there was a long physical fight, with Williams beating her with his fists, choking her with both hands around her neck, forcefully pushing her up in a corner of the room against a sharp filing cabinet, then fighting with her and Oljaca. Oljaca's coached, untruthful written statement was nothing like that. He also wrote that he just "physically restrained [Williams]" with no mention of long, brutal fighting whatsoever. Ms. Finch should have been all over the contradictions in Accuser's claims and those of her boyfriend.

When Accuser blurted out under cross-examination that she had "a date stamp on mine [photos]," #2, 29, Ms. Finch failed to ask her, "Where are these time-stamped photos? Why have you not submitted this essential evidence?" Finch failed to ask a series of other probative questions to demonstrate to the Court that Accuser prefers to make up lies, even when not asked. Comp.'s stated defense strategy from the very beginning was *falsus in uno, falsus in omnibus*. Counsel Finch, however, was unable or unwilling to follow that simple, time-honored legal maxim.

At Comp.'s request Ms. Finch had what she described to him as an hour-long telephone conversation with Indiana attorney Tim Kalamaros, a friend of Williams. Accuser claimed in several documents, #6, 3, including in the sealed *ex parte* communications, that Mr. Kalamaros has been appointed as Comp.'s fiduciary guardian, because Williams has been adjudicated by two federal agencies to be mentally ill and incapable of handling his personal finances, much less to serve as Treasurer of the NA. That claim is outrageous, and Kalamaros explained to Ms. Finch just how outrageous it is, yet she made no effort to inform the Court of this bald-faced, easily refuted false claim made against her client *in writing* by his Accuser. That, nor other exculpatory facts were ever brought up by Ms. Finch to the PC Sheriff or to his Deputy who supposedly "investigated" the battery claim -- repeatedly characterized by Accuser as an "attempted homicide" -- and the "investigators" never once bothered to interview Williams.

Despite Accuser's putting so many outrageous lies in writing Ms. Finch stated that most of the Accuser's long writings can not be used as evidence since they are irrelevant. Ms Finch still submitted just a few documents that she failed to read, comprehend, and use effectively to impeach her client's Accuser. For example, she was questioning Accuser regarding the one page Termination of Contract, that was sent both by email and certified/return receipt regular mail to her by Williams in October 2015. Accuser had been lying, saying that there were demands in the Agreement that Accuser wouldn't go to LE or to media; that she wouldn't testify against Williams.#2, 56. If Ms. Finch had read the contract she could easily have caught Accuser in several of her lies by having her read the standard non competitive/non disclosure clause for this Termination Agreement, or the entire, short Agreement. #12.

Ms. Finch could have used much more effectively the email from Lana Williams to Accuser, describing the alleged incident almost two months prior to Accuser's filing her Criminal Complaint. Even supposing that Mrs. Williams could be misinformed by her husband, or not completely honest for his sake during her testimony, there is contemporaneous written confirmation in that email that Lana and Accuser had been talking about the \$2,000,000 civil suit, #2,158, during their 20-25 minute telephone conversation on 30 September, 2019. Ms. Finch briefly mentioned this fact in her closing arguments, #2,183, but failed to point out that a “victim” who later claimed a large man had “attempted [a] homicide” on her just a half hour before that phone conversation, could not discuss rules of process service, etc., without any change in her mood or in her voice being noticed by Mrs. Williams. #2,153.

In Accuser's rambling trial testimony she complained about how scared she was that Williams will “get even” and kill her, #2, 33, Ms. Finch failed to ask questions or point out in her closing arguments that a person who is so scared for her life would certainly move away, especially when offered \$3,000 severance to leave the National Alliance property, as offered in the Termination of Contract #12.

On the date of Comp.'s second arrest within five days at the hands of Accuser and her co-plotters, on 21 December, 2015, Accuser was arrested by PC Sheriff's Deputy B.A. Shinaberry, *16-M38M-00002*.

That was for her “falsely reporting an emergency incident” under **§ 61-6-20(3)** of WV Code, about Williams's arrest that afternoon. She had orchestrated Comp.'s false arrest for “breaking and entering” NA property. Then she had been told to cease calling 911 about this, but kept calling anyway, so was arrested. Williams was never informed of the arrest of his Accuser by Ms. Finch, learning about it only ten months later in Accuser's first personal *ex parte* letter to Judge Dent. **#6, 9**. Comp. requested more than once of Ms. Finch to include Deputy Shinaberry on his list of defense witnesses – another request that was ignored by her. Shinaberry would have made an excellent, reliable defense witness.

During both trials the State's *only* evidence was eight undated, un-timestamped selfies with very slight pink spot on Accuser's neck, submitted by Accuser to law enforcement more than two months after the alleged 9/30/15 battery, **#9a,b**. In the transcript of Ms. Finch's short closing arguments, **#2, 180-184**, counsel did not mention the important fact that Accuser failed to ever seek medical attention, despite what she repeatedly describes in her various documents as an extremely brutal physical beating and an "attempted homicide" by the Accused. Ms. Finch did not mention that in DeCourcy's original claim she described "punching, pulling, choking and holding down" by Williams, yet Accuser waited more than two months to file her Complaint against the Accused. **#2, 180-184**.

During the period between 10/10/18 and 02/12/19 Comp's “representative,” Ms. Finch, was extremely negligent, unwilling to talk to him for weeks, even months at a time; delaying, obfuscating, not returning calls, not responding to Defendant's email inquiries, though their mutually agreed upon and signed motion for her to withdraw her representation had been denied by Dent, **#3, 7**. Williams had to prepare by himself three post trial motions because she would not. **#10, 3-6**. Only after sending her his own motion drafts, **#10, 3-6**, prepared for her approval since Dent had ruled that she still “represented” him, did she reluctantly file her motions as his counsel. **#5a,b,c**. Ms. Finch's motions were weak with serious faults. For example she failed to even mention **§61-11A-3(e)** of WV Code, **#5c**, as he had instructed her to do, and she mistakenly cited ***Cannon 3B*** instead of ***Cannon 2, Rule 2.9*** in

her “Motion to unseal *ex parte* communications,” **#5b**, which was corrected by the judge at the hearing. **#4,7**. Comp. had to file his own amended motion, including primary defense witness Fred Streed's Affidavit as an exhibit, **#8**, with the CC Clerk just four days prior to his 2/12/19 second sentencing hearing to minimize chances of dismissal of hers. The filing by Accused didn't matter. *The fix was in!*

Finch easily prevailed in the civil case of DeCourcy's theft in the MC before impartial Magistrate Broce-Kelley, **16-M38C-0109**, providing receipts for each stolen item (computer, phone system and 4X4 truck). However, Ms. Finch failed to object to DeCourcy's bald-faced lie under oath that she, not NA, owned the truck. As DeCourcy is known to do, she appealed this ruling, **#16**, to CC. Before losing in MC DeCourcy faxed an outrageous letter to the MC, **#15**, with the name and phone number of Williams's deceased mother, Jean B. Williams, at the top. It became clear that DeCourcy stole this additional item that was not discovered when the original complaint was filed by Finch in September 2016. Comp. asked Finch to add this \$300-plus (printer/scanner/copier/fax) machine on the appeal since the appeal case, **17-C-AP-3**, was *de novo*. That request was ignored by Ms. Finch. Due to Finch's failures only two stolen items were discussed on appeal before Judge Dent.

In the summer of 2017 counsel Finch confessed to Williams that she had “forgotten” to file a timely response in this civil case that the Court had ordered filed by 2 June, 2017 **#14, 1**. This blunder by Finch gave litigious DeCourcy and her attorney grounds to file a writ as Plaintiff with WVSCA (**#17-0572**). Oddly, Plaintiff DeCourcy's co-defendants were Judge Dent and Will Williams! Soon after DeCourcy's writ in that WV Supreme Court case was denied, Judge Dent dismissed Magistrate Kelley's ruling, ordering DeCourcy to return items stolen by her from Williams. **#16**. The reason Judge Dent revoked that sound Magistrate's ruling -- without objections from counsel Finch, who had easily prevailed before Magistrate Kelley “with facts in support of his [Williams'] claim which would entitle him to relief” – was bizarre and absolutely inexplicable, **#17!** Ms. Finch had advised Williams that he need not travel from Tennessee for that hearing because "there is no way Judge Dent will reverse

Kelley's Order," Williams was invited to appear telephonically at that civil appeal hearing where Dent granted DeCourcy's second motion to dismiss Magistrate Kelly's Order, but he was not allowed to speak, and Ms. Finch's microphone was conveniently turned off so anything she may have said was not heard by him. When Williams asked over the phone if he could say a few words after hearing the alarming adverse ruling by Judge Dent, she told him, "No, you are represented." The fact is: *Williams was not represented at that hearing at all*. Finch glibly explained later to her client that "Judge Dent probably just wanted to get rid of that case." Dent could just as easily have gotten rid of the case by ordering her to, "Pay the man for the items you stole from him." *The fix was in* on the civil case, as well. *Rigged!*

After *intentionally* losing two cases that a competent attorney should easily have won, Finch told Williams, "I think I have done a pretty good job for you on both cases." Finch billed Comp. \$1,500+, including travel expenses for her WVSCA case, though she admitted staying with her mom on that trip, and there would have been no WVSCA case had she not failed to file the necessary document in time.

The email exchange, **#18**, showing Finch had been holding hostage Williams's file for over three weeks despite several requests to mail it to meet Comp.'s deadline for filing Notice of Appeal (NoA) to WVSCA. Comp. received his file from Finch just three days prior to his NoA deadline. In **#18, 2** Williams wrote he "will certainly dispute [your bill] to some degree." After seeing a copy of Williams' NoA in which he mentioned his counsel working against him, or of her hearing "buzz" of it around the courthouse, Ms. Finch ceased sending Williams her bills, that insisted he pay a balance of \$2,905.50, and mailed his file -- likely to avoid this possible Complaint since she saw he had grounds.

Comp. could forgive some occasional failures, forgetfulness, lack of professionalism. But to have *intentionally* worked against her 71-year-old innocent client, on a dubious "first offense" misdemeanor, ending in his being jailed, is serious attorney misconduct that clearly violates ethical standards and is *unforgivable*. The public must be protected from future acts of such professional misconduct by Ms. Finch.

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...
[...]

MOTION TO UNSEAL EX PARTE COMMUNICATIONS

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....

WILLIAM WHITE WILLIAMS

VS. GARLAND DECOURCY

LINE DATE ACTION

1 01/24/17 GARLAND DECOURCY'S APPEAL OF MAGISTRATE CIVIL CASE #16-M38C-0109
2 RCVD ALONG W/CASH APPEAL BOND IN THE AMT OF \$230 BY MAGISTRATE
3 CK #006044 & FILING FEE IN THE AMT OF \$200 BY MAGISTRATE CK
4 #006040.
5 03/10/17 FWD TO JUDGE DENT THIS DTE WITH TENTATIVE DATE OF 4-12-17 AT
6 10:00 AM FOR INITIAL PRE-TRIAL CONFERENCE.
7 03/22/17 NOTICE OF HEARING ON 4/12/17 AT 10:00 A.M. FILED BY KRISTOPHER
8 FAERBER ESQ.
9 04/12/17 INITIAL PRE-TRIAL CONFERENCE: PRESENT: WILLIAM WILLIAMS
10 APPEARING BY TELEPHONE, LAURA FINCH, GARLAND DECOURCY PRESENT
11 WITH COUNSEL KRISTOPHER FAERBER. "PRE-TRIAL CONFERENCE/MOTIONS"
12 SET FOR 5-24-17 AT 2:00 PM.
13 05/08/17 MOTION TO DISMISS FILED BY RESP'S COUNSEL, KRISTOPHER FAERBER
14 ALONG WITH PROPOSED ORDER. FWD TO JUDGE'S OFFICE VIA E-MAIL
15 05/24/17 PRE-TRIAL CONFERENCE/MOTIONS-PRESENT: LAURA FINCH, GARLAND
16 DECOURCY, KRISTOPHER FAERBER, GARLAND DECOURCY. MR. FAERBER
17 RELATES THAT NO WITNESSES WERE PRESENT IN MAGISTRATE COURT & SO
18 THE SAME RELATES TO CIRCUIT COURT. MR. FAERBER ASKS FOR
19 DISMISSAL OF MATTER. MS FINCH INDICATES THAT TESTIMONY WAS
20 TAKEN IN MAGISTRATE COURT BUT DOES NOT KNOW IF WITNESSES WERE
21 SWORN. THE COURT WILL ALLOW MS. FINCH TO RESPOND TO THE MOTION
22 TO DISMISS WITH A BRIEF BY JUNE 2 AND DEFENSE MAY RESPOND BY
23 JUNE 9. MATTER SET FOR 6-21-17 AT 1:00 PM FOR "STATUS CONF".
24 05/24/17 PRE-TRIAL INFORMATION FORM FILED BY PLF.
25 05/24/17 PRE-TRIAL INFORMATION FORM FILED BY DEF.
26 06/07/17 FAXED RENEWED MOTION TO DISMISS FILED BY KRISTPHER FAERBER ESQ.
27 ALONG WITH PROPOSED ORDER TO DISMISS. E-MAIL TO JUDGE DENT.
28 06/12/17 ORIGINAL RENEWED MOTION TO DISMISS FILED BY KRISTOPHER FAERBER
29 ESQ. ALONG WITH PROPOSED ORDER TO DISMISS.
30 06/12/17 ORDER ENTERED DENYING RENEWED MOTION TO DISMISS.
31 06/12/17 E-MAIL CONFIRMATION.
32 06/21/17 STATUS CONFERENCE-PRESENT: WILLIAM WILLIAMS WITH COUNSEL LAURA
33 FINCH, GARLAND DECOURCY WITH COUNSEL KRISTOPHER FAERBER. MR
34 FAERBER HAS FILED A WRIT WITH WVSCA-ISSUE NEW WITNESSES OR NEW
35 TRIAL DENOVO. MR. FAERBER ASKS FOR CONTINUANCE OF THIS MATTER.
36 COURT CONTINUES MATTER GENERALLY AND ASKS THAT ONCE THE
37 QUESTION HAS BEEN ANSWERED AT THE WVSCA MR FAERBER CALL TO
38 RESET MATTER.
39 09/05/17 RULE TO SHOW CAUSE RECEIVED FROM WV SUPREME COURT OF APPEALS.
40 09/08/17 FAXED MOTION TO CONTINUE THE MATTER OF 10/11/17 FILED BY
41 KRISTOPHER FAERBER, ESQ.
42 11/27/17 WVSCA ORDERS WRIT DENIED BY SAME.
43 12/01/17 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM AND MOTION TO
44 DISMISS FOR LACK OF UNDERSTANDING FILED BY KRISTOPHER FAERBER
45 ESQ.
46 12/05/17 FAXED AMENDED CERTIFICATE OF SERVICE FOR MOTION TO DISMISS FOR
47 FAILURE TO STATE A CLAIM AND MOTIN TO DISMISS FOR LACK OF
48 UNDERSTANDING FILED BY KRISTOPHER FAERBER ESQ.
49 12/20/17 MANDATE RCVD FROM THE SUPREME COURT OF APPEALS.
50 01/11/18 FAXED NOTICE OF HEARING ON 2/14/18 AT 2:45 P.M. FILED BY

WILLIAM WHITE WILLIAMS

VS. GARLAND DECOURCY

LINE DATE ACTION

51 KRISTOPHER FAERBER ESQ.
52 01/11/18 FAXED CERTIFICATE OF SERVICE FOR THE NOTICE OF HEARING FILED BY
53 KRISTOPHER FAERBER ESQ.
54 04/12/18 HRG ON DEF'S MOTION TO DISMISS-PRESENT: WILLIAM WILLIAMS
55 04/15/18 APPEARING BY TELEPHONE, LAURA FINCH-COUNSEL FOR MR. WILLIAMS,
56 GARLAND DECOURCY WITH COUNSEL KRISTOPHER FAERBER. MR. FAERBER
57 RELATES THAT THE COMPLAINT DOES NOT CONTAIN THE FACTS NEEDED
58 FOR A COMPLAINT BUT ASKS FOR CERTAIN ITEMS BACK. AFTER REVIEWING
59 CASE LAW, THE COURT DISMISSES THE MATTER. **ORDER ENTERED**
60 04/23/18 FINAL ORDER ENTERED
61 07/25/18 STATEMENT OF COSTS PREPARED IN THE AMT OF \$50.00 AND FWD TO
62 GARLAND DECOURCY.
63 08/15/18 CLERK'S LETTER TO RELEASE CASH BOND FWD TO ROBERT A. DEMARIS
64 ALONG WITH CLK'S CK#2137 IN THE AMT OF \$230.00.
65 08/20/18 RECEIPT OF ACKNOWLEDGMENT FROM ROBERT DEMARIS.

State of West Virginia

MAGISTRATE:

CYNTHIA D. KELLEY
Pamela Carpenter, Assistant

Telephone: (304) 799-4200
(304) 799-4245

Fax: (304) 799-6331



**Pocahontas County
Magistrate Court**

900 Tenth Avenue
Marlinton, WV 24954

MAGISTRATE
CLERK:

VIRGINIA L. WAGNER

Telephone: (304) 799-6603

Fax: (304) 799-5430

Appearing today, December 7, 2016, for the Civil Hearing in the matter of William W. Williams vs. Garland DeCourcy, case no. 16-M38C-00109. The defendant, Garland DeCourcy was present, appearing Pro Se. The plaintiff, William W. Williams was present and represented by Attorney Laura Finch. Also present in the courtroom was court bailiff, Drema Sharp and Mr. Robert "Bob" Demarias.

The defendant was given the opportunity to present her motions to the court, the defendant's motions were all denied, including the Motion and Affidavit: Disqualification of Magistrate per Rule 12(a)(2) Civil Procedure for Magistrate Courts.

Counsel for the plaintiff entered "Exhibits A, B, C" into evidence.

The Court granted judgment in the above case in favor of William W. Williams against Garland DeCourcy. The defendant shall return the "HP Computer" and "Engenius Dura Fon System" directly to the plaintiff through certified mail within 30 days of today, December 7, 2016. The defendant is required to provide proof to the court that the above property was returned in good working order to the petitioner at: [REDACTED] Mountain City, TN 37683. If the property is not returned within the allotted time period, judgment is for the retail value of the items totaling \$2,139.88 to be paid directly to the plaintiff.

Plaintiff is responsible for the court costs of this proceeding.

Both parties were advised that any party to a final judgment may as a matter of right appeal to circuit court. Notice of appeal shall be filed in magistrate court within 20 days after judgment is entered. The magistrate shall require the appellant to post a bond with good security in a reasonable amount not less than the sum of the judgment and the reasonable court costs of the appeal, upon the condition that such person will satisfy the judgment and any court costs which may be rendered against the appellant on the appeal.

Hereby **ORDERED** and **ADJUDGED** on this the 7th day of December, 2016

Cynthia D. Kelley
Cynthia D. Broce-Kelley, Magistrate

4

IN THE CIRCUIT COURT OF POCAHONTAS COUNTY, WEST VIRGINIA

WILLIAM W. WILLIAMS

vs.

GARLAND DECOURCY

Circuit Court Case No. 17-C-AP-3
Magistrate Case No. 16-M38C-00109DISMISSAL ORDER

On April 12, 2018, this matter came before the Court for a hearing on Ms. DeCourcy's Motion to Dismiss for Failure to State a Claim. Ms. DeCourcy appeared in person and by counsel, Kristopher Faerber. William W. Williams appeared telephonically, and by counsel, Laura Finch. The Court considered the filing of Ms. DeCourcy, the argument of counsel, and the applicable law.

After due consideration the Court ORDERS the following:

- 1.) Based upon the face of Plaintiff's complaint, viewed in a light most favorable to him, it appears beyond doubt that the plaintiff can prove no set of facts in support of a claim which would entitle him to relief.
- 2.) The face of the complaint fails to plead facts that state any cause of action. Further, the face of the complaint does not plead the essential elements of any recognizable legal claim.
- 3.) Ms. DeCourcy's motion to dismiss for failure to state a claim is granted.
- 4.) This matter is DISMISSED and shall be stricken from the Court's docket.
- 5.) The Clerk shall release the bond posted in this matter.
- 6.) The Clerk shall distribute a copy of this Order to the parties.

POCAHONTAS COUNTY
CIRCUIT/FAMILY COURT

RECEIVED

By: CAC

----- Forwarded message -----

From: Will Williams <XXXwhite@gmail.com>

Date: Thu, Mar 14, 2019 at 8:41 AM

Subject: Re: Will's file

To: Laura Finch <XXX@outlook.com>

Laura,

You haven't provided us with the tracking # despite our numerous requests for the urgency.

Does it mean that you are not planning to return Will's file to him? Yes or No?

If yes, please mail the file today! We can't wait any longer. We will pay the postage.

Lana

On Sun, Mar 10, 2019 at 8:29 PM Laura Finch <XXX@outlook.com> wrote:

Hi Will, I just wanted to hear from you personally and know where we were at. I understand completely. Thanks,
Laura

Sent from my iPhone

On Mar 10, 2019, at 7:03 PM, Will Williams <XXXwhite@gmail.com> wrote:

On Thu, Mar 7, 2019 at 4:17 PM Laura Finch <XXX@outlook.com> wrote:

Judge Dent worked there until she was elected in 2016. She did not preside over any cases that were in that office when she was there, which is why she was mostly in pocahontas until recently. The fact she worked there over a year before Via was appointed is not a conflict. She presides now over half the cases in Greenbrier county, where Via is the prosecutor.

Whatever. I was charged with battery of Ms. DeCrazy in the 11th Judicial District in 2015. Pat and Jennifer and the entire courthouse club knew about the "Nazi" case before Jennifer was elected. If she was truly judicious, she would have granted a new trial, but because she said that I "would not accept responsibility for the battery" that never happened, I needed active jail time.

I can mail the file but I have been pretty busy so I will have to stay late to do it. I won't charge you for it,

That is generous of you.

Lana asked politely for my file nearly two weeks ago and, as usual, you've ignored the request and have dragged your feet, though she expressed the urgent need for it to prepare for what's ahead.

but I want to check in with Will about my bill otherwise. When would be a good time to reach him? I would like us to take care of that ASAP, as well.

I see. That file is mine, not yours, Laura. You no longer represent me. It appears to me that you are holding my file hostage over a bill which I will certainly dispute to some degree, so I have nothing to talk with you about until we receive the *entire* file, including what Detch did or didn't do for me.

I have few personal funds now since buying all of the trial transcripts, plus the money the jail stole, anger management, drug testing, and other costs have run more than \$1,000 so far, with more expenses to come, associated with my appeal, etc.

Thanks, Laura

We need to mail our notice of appeal by 19 March so must have my entire file in hand well before then. If you insist on holding it after this notification, it will not help you. Please provide a tracking number as soon as you mail it.

Will

Sent from my iPhone

On Mar 7, 2019, at 3:47 PM, Will Williams <XXX[white@gmail.com](mailto:XXXwhite@gmail.com)> wrote:

Dear Laura,

We haven't received Will's file from you, even though I asked you to mail it ASAP! **Have you mailed it? Please provide the tracking #.**

We are about to hire an appellate attorney in Charleston and need Will's entire file. Yesterday I have discovered the shocking information here <http://greenbriercounty.net/departments/prosecuting-attorney/2/>. It appears to be an obvious conflict of interest and the defendant's rights violation when the Judge is at the same time an assistant prosecutor of the special prosecutor? How come we were never informed about such an important detail?

Lana

On Tue, Feb 26, 2019 at 9:24 AM Will Williams <XXX[white@gmail.com](mailto:XXXwhite@gmail.com)> wrote:

OK, Laura. Then please mail ASAP
the *complete* file including file from
Mr. Detch to:

Will Williams
XXX Rd
Mountain City, TN 37683

Thank you!
Lana

On Tue, Feb 26, 2019 at 9:16 AM Laura Finch <XXX[@outlook.com](mailto:XXX@outlook.com)> wrote:

Jay cannot pick up Will's file. I can mail it to
him, though.

Sent from my iPhone

On Feb 26, 2019, at 8:43 AM, Will Williams <XXX[white@gmail.com](mailto:XXXwhite@gmail.com)> wrote:

Dear Laura,

This is Lana. Will was released from jail on 19 February, but still is sick, feeling terrible. In jail he got a bad flu virus and lost 12 lbs in 7 days. The jail was on a quarantine with the flu epidemic at the time Will was brought there.

We have made our decision to appeal the guilty verdict to WV Supreme Court (quite a few serious grounds for appeal, quite a few Rules violations besides numerous other procedural errors).

To prepare for the appeal Will urgently needs to get his file from you. Jay Hess is coming to TN this week. **Could you please give Will's file to Jay at the convenient time for you?**

Please let us know ASAP **at what time today and/or tomorrow you are going to be at your office!**

Thank you!
Lana

STATE OF WEST VIRGINIA
OFFICE OF LAWYER DISCIPLINARY COUNSEL
CITY CENTER EAST
SUITE 1200C
4700 MacCORKLE AVENUE, SE
CHARLESTON, WEST VIRGINIA 25304

Office: (304) 558-7999

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COPY

Chief Lawyer Disciplinary Counsel
Rachael L. Fletcher Cipoletti
Senior Lawyer Disciplinary Counsel
Andrea J. Hinerman

Lawyer Disciplinary Counsel
Renée N. Frymyer
Jessica H. Donahue Rhodes
Joanne M. Vella Kirby

February 28, 2020

Laura Megan Finch, Esquire
P.O. Box 602
Lewisburg, WV 24901

Re: *Complaint of William W. Williams*
I.D. No. 20-02-065

Dear Ms. Finch:

Enclosed is a copy of a complaint which this office received from the above-referenced individual. Pursuant to Rules 2.4 and 2.5 of the Rules of Lawyer Disciplinary Procedure, I ask that you communicate with us, in writing, in response to the complaint. Accordingly, I ask that you review Rules 1.16(d), 1.3, 1.4(a), 8.4(c), and 8.4(d) of the Rules of Professional Conduct which became effective on January 1, 2015, before responding.

If you have any questions, please let me know. I will expect your **verified** response within 20 days of receipt of this letter, pursuant to Rule 2.5 of the Rules of Lawyer Disciplinary Procedure. Please **do not** send your response by facsimile. We must have the original to consider it a proper response. If you need more time to respond, you must contact my legal assistant or me; this deadline may be extended for good cause shown.

In addition, I ask that you send a copy of your response directly to the Complainant. By sending a copy of this letter to the Complainant, I ask that the Complainant send any additional comments to me within 10 days, in writing, after reviewing the response. Once I have read all communications, I will contact the parties for any additional information, if necessary. If appropriate, I will also conduct an independent investigation. The matter will then be reviewed internally or reported to the Investigative Panel. You should expect that this process may take time; your patience is appreciated.

Laura Megan Finch, Esquire

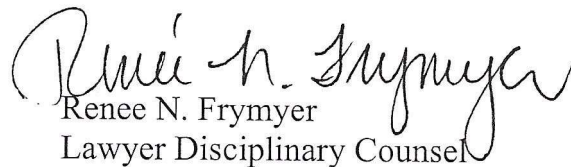
February 28, 2020

Page 2

Please be advised that Disciplinary Counsel considers this request a lawful demand for information within the meaning of Rule 8.1(b) of the Rules of Professional Conduct. Failure to respond may subject you to disciplinary action. Failure to respond may also be regarded as an admission of the allegations and may form the basis for a Statement of Charges. Please be aware that under Rule 2.6 of the Rules of Lawyer Disciplinary Procedure, the Office of Disciplinary Counsel may release information confirming the existence of a complaint.

Thank you for your cooperation.

Sincerely,


Renee N. Frymyer
Lawyer Disciplinary Counsel

RNF/amw

Enclosure

cc: William W. Williams (w/out enc.)

Laura M. Finch

ATTORNEY AT LAW

820 TENTH AVENUE
MARLINTON, WV 24954

(304) 799-7388
LAURAFINCH@OUTLOOK.COM

April 3, 2020

Renee D. Frymyer, Lawyer Disciplinary Counsel
City Center East
Suite 1200C
4700 MacCorkle Ave, SE
Charleston, WV 25304

Re: Complaint of William W. Williams
I.D. No. 20-02-065

Dear Mrs. Frymyer:

I have reviewed Mr. Williams's Complaint, received March 2, 2020. While the Complaint addresses my representation of him in three matters, I represented Mr. Williams in relation to four matters, and the files for an additional two matters were retained by me in the course of this representation. As to at least two of these four matters, favorable outcomes were obtained. With respect to Mr. Williams' appeal of his Magistrate Court conviction, he stood convicted but his sentence was reduced to a fraction of that originally imposed. By way of response, I will address each representation.

1. State of West Virginia v. William W. Williams, Pocahontas County Case No. 15-M38M-693

I first represented Mr. Williams in relation to a criminal complaint alleging that Mr. Williams had violated a Personal Safety Protective Order. Mr. Williams was not my first client, but I believe this appearance was among my first in Magistrate Court. We did obtain a favorable result in this case on a Motion for Judgment as a Matter of Law. I found Garland DeCourcy to lack credibility, and I did enjoy cross-examining her.

2. Michael Oljaca v. William W. Williams, et al., 16-C-12

I entered an appearance for Mr. Williams in this civil matter, wherein Mr. Oljaca sought damages for personal injury. The matter was dismissed by Mr. Oljaca, whose counsel indicated he did not wish to pursue it. It later appeared that Mr. Williams had directed Mr. Oljaca to dismiss the lawsuit. A certain email was used as an exhibit in Mr. Williams' appeal of his Magistrate Court conviction for battery, which tended to show that Mr. Williams had threatened Mr. Oljaca to secure his dismissal of the civil action and his later non-appearance.

3. State of West Virginia v. William W. Williams, Pocahontas County Case No. 16-M-AP-01

I represented Mr. Williams in a direct appeal to the Circuit Court following conviction in the Magistrate Court of Pocahontas County for Battery of Garland DeCourcy. Until my own client's testimony at the trial in August 2018, I believed him to be innocent of the battery of Ms. DeCourcy. Because I believed Ms. DeCourcy lacked credibility, I did not take the contents of the *ex parte* letters to be generally true. The letters themselves did not in any manner corrupt me, or persuade me of the guilt of my client, or cause me to be disloyal to him in any fashion.

However, the *ex parte* communications at issue were not exculpatory on any fact in issue, and the last remains the subject of a protective order. They did tend to impeach Ms. DeCourcy's credibility, however, as to matters that were not relevant to whether Mr. Williams committed a battery of Ms. DeCourcy. Being constrained by the Rules of Evidence, I was permitted to cross-examine Ms. DeCourcy at trial only on those matters addressed on direct examination, or otherwise tended to show whether or not Mr. Williams committed a battery of Ms. DeCourcy. For this reason, and because the contents of Ms. DeCourcy's *ex parte* communications addressed mostly trial process issues, they were not helpful in the trial itself. The final *ex parte* communication was sealed by the Court order due to concern for safety.

I do not have a record of when I provided Mr. Williams with the *ex parte* communications that are not under seal. Based upon the Complaint, I did timely provide them to him. Upon the Court's receipt of a final *ex parte* communication from Ms. DeCourcy, it scheduled a hearing for November 2, 2016. Mr. Williams was informed of the hearing and requested to appear by phone, which benefit I secured for him. At that hearing, the Court informed me that I would receive a copy of the final communication and that I should not share it with my client, unless deemed appropriate, due to safety concerns. Additionally, Ms. DeCourcy was reprimanded for repeatedly providing *ex parte* communications to the Court and was told that they would not be considered by the Court. Because they would not be considered by the Court, these communications did not concern me.

As stated, Mr. Williams was present by telephone for the hearing at which the sealed *ex parte* was addressed. If, a full two years later, Mrs. Williams asked me if I knew the *ex parte* was sealed, and I stated no, that was in error. There were two *ex parte* letters that were not sealed. Based on his telephonic appearance for the hearing, Mr. Williams was on notice that the *ex parte* was sealed, and that I did not provide it to him. As I recall, he later informed me that he could not hear over the telephone in the Court, and did not understand what was going on. I do not believe that either I or Mr. Williams have a sufficient recollection of our telephone conversation following that November 2, 2016, hearing, to be of service in the context of this Complaint. As stated, it was Mrs. Williams who raised this concern, who considers herself Mr. Williams' paralegal, who I believe prepared this Complaint, and who would not necessarily have been a participant in that call. On various occasions, I refused to communicate with Mrs. Williams, because she was not my client. As she interjected in my telephone calls with Mr. Williams, and I became aware that she monitored our communications, I requested that I be permitted to speak only with Mr. Williams.

Whether Ms. DeCourcy admitted to making the *ex parte* communications in her testimony at trial on the appeal of Mr. Williams' battery conviction, and whether she asked those communications not to be shared with Mr. Williams, was not relevant to whether he committed a battery of her. My alleged failure to employ the strategy of reciting these *ex parte* communications at trial in this matter is not a lack of diligence. I owe a duty to the Court, as its officer, not to seek to bend the rules of evidence to effect delay. Mr. Williams was permitted to review the *ex parte* in my office, but he was not permitted to have a copy. This was ordered by the Court so that he would not publish the document online.

Mr. Williams wished to call Mr. Fred Streed as a witness in the bench trial upon his appeal. I agreed to this. I had reviewed the affidavit provided. I had also provided it to Mr. Williams. Mr. Williams believed that a prosecutor might dismiss a case based on an affidavit of a witness contrary to his own. He also believed that the prosecuting attorney had the obligation to investigate the case to the point of refuting his guilt. On many occasions I explained to Mr. Williams that neither of these beliefs were supported by routine criminal trial process. Ultimately, Mr. Streed did not come to testify. I asked Mr. Williams, at the time of trial, if he wished to seek a continuance on this basis, and he did not. As to other witnesses not called, they were either not disclosed to me in advance, or not material witnesses as to any fact in issue.

My experience of Mr. Williams' trial was a good one. I asked the judge for a verdict of acquittal following the State's presentation of their case in chief, but the State had clearly presented a prima facie case. This did not mean they had proven the allegations beyond a reasonable doubt, considering the inconsistencies in Ms. DeCourcy's testimony. I discouraged Mr. Williams from testifying. I absolutely discouraged Mr. Williams from calling Mrs. Williams as a witness. At one point in Mr. Williams's testimony, he became very angry. It was apparent to the judge and all present that Mr. Williams has a temper, and this was damaging to his case. Mr. Williams was also impeached several times during his testimony. My strategy was that this impeachment may have illustrated that Mr. Williams misspoke, but did not show that he was guilty of the battery.

Following Mrs. Williams' research into the case, and her telephone call to me, Mr. Williams sought to disengage me as his counsel. What I understood was that he wished to act as his own counsel in order, at least in part, to obtain the *ex parte* communications that were under seal. I agreed to present this and prepared a Motion to Withdraw, which we both signed. As I presented it to the Court, I remember being visibly upset. For this reason, myself and opposing counsel approached the bench. At this point, Judge Dent seemed to suspect that I was afraid of my client. Opposing counsel believed that I feared a disciplinary complaint. I do not believe I was upset for either reason, but for the fact that this strategy to impugn my integrity had seemingly come out of nowhere. I explained to the judge that my client alleged that he had just discovered that the last *ex parte* was sealed. Ultimately, Judge Dent denied my Motion to Withdraw. At sentencing, Mr. Williams accepted no responsibility and showed disrespect to the Court.

In the Magistrate Court, Mr. Williams was sentenced to 6 months in jail, at a time when he may not have received good time credit for such a sentence. Following his conviction on appeal, he was sentenced to 18 days. He served approximately 8 days before his release, having obtained credit for one day served. In this regard, I believe I did a good job for Mr. Williams. I was taken aside by Mr. Via following the trial, and complimented on my trial skills. This was not because I made Mr. Via's job easier, but because he believed I possessed skill in representing my client in the courtroom.

4. William W. Williams v. Garland E. DeCourcy, Pocahontas County Case Nos. 16-M38C-109, 17-C-AP-03

In this matter, the Magistrate Court granted judgment in Mr. Williams' favor for the return of a set of keys to an automobile, a telephone system, and a computer. Mr. Williams alleged that Ms. DeCourcy retained or removed these items upon her disengagement as a National Alliance employee.

Shortly following Ms. DeCourcy's appeal of this judgment, her counsel sought to dismiss the matter, stating that no witnesses had testified in the Court below, and that the rules governing appeals would not allow for any additional witnesses to be called to prove the case. Our position was that Mr. Williams had testified; Ms. DeCourcy's counsel argued that he had not been sworn in. Judge Dent ruled that new witness testimony would be allowable in the trial on Ms. DeCourcy's appeal. Counsel for Ms. DeCourcy filed a Petition for Writ of Mandamus, seeking an order prohibiting Judge Dent from allowing new witness testimony in the trial on appeal. It was for oral argument on this issue that I was called to appear before the West Virginia Supreme Court of Appeals on Mr. Williams's behalf. I had won the motions hearing in Circuit Court, and opposing counsel sought to clarify the law applicable for appeal of a magistrate court civil trial.

Oral argument concerned whether an appeal of a Magistrate Court Civil Judgment was truly *de novo* or whether it was in any respect on the record, and whether new witness testimony would be prohibited by the rules and applicable law. The Supreme Court ruled in our favor and issued a published opinion. I did bill \$1,530.00 for this representation (10.2 hours), which included a summary brief, preparation, travel and argument. You will no doubt agree this figure is historically low. I did not stay with my mother, who lives significantly north of Charleston. Instead, I awoke very early and drove to Charleston, full of adrenaline, for my first Oral Argument. I remember it very clearly, and the specifics Mr. Williams provides are a bizarre attempt to convey some personal knowledge of me that he simply does not have. Although, I may have shared roughly speaking where my mother lives, the time billed for my travel and appearance before the WVSCOA on Mr. Williams's behalf was, if anything, low. I may have visited my mom after my appearance, but I believe I went straight back to Pocahontas County.

Ultimately, as the legal fees for this case grew larger than the amount in controversy, it appeared to me that Mr. Williams sought to obtain leverage against Ms. DeCourcy in his criminal trial through the recovery of the items she had removed from the National Alliance

property. I asked Mr. Williams repeatedly why he wanted to spend thousands to recover keys to a truck, a telephone system, and a computer. After the dismissal of this action, Mr. Williams and I continued in an amicable attorney-client relationship, and he was aware that should he wish to recover the items or their value from Ms. DeCourcy, he would need to file a new civil action in Magistrate Court, and name the specific value of the items, possibly adding the National Alliance as a Plaintiff to the suit. This dismissal occurred in April 2018, and was not on the merits of the case. I continued as Mr. Williams's attorney in his criminal matter for many months after that.

It became apparent upon appeal that the complaint filed in Magistrate Court was insufficient, in that it failed to state a claim for which relief could be granted. This is because the Magistrate Court civil complaint sought replevin of the items retained by Mrs. DeCourcy that were allegedly owned by Mr. Williams. While the Magistrate Court was willing to award this judgment, the Circuit Court was not, and the matter was dismissed for failing to state a claim. Mr. Williams was not therefore barred from seeking relief for the items, but would have been required to file a further complaint in Magistrate Court to recover the value of the items as opposed to the items themselves. While we discussed this possibility, I was unwilling to continue to represent him in this matter. I felt that it was not in my client's best interest to continue what appeared to be a frivolous, at worst retaliatory, suit against Ms. DeCourcy.

Although the complaint to recover the items (keys to a truck, a telephone system, a computer, and later, a printer) was filed on behalf of Mr. Williams in his individual capacity, it also became clear that the items at issue were maintained for use by the National Alliance, a Virginia corporation. As I told Mr. Williams, I was happy to represent him individually, but I was not willing to enter an appearance on behalf of the corporation. I did speak with his corporate attorney on one occasion at Mr. Williams's request.

Mr. Williams alleges that I failed to timely produce his file. Once delivered to him, it consisted of nearly two reams of paper, much of which I had to print from my electronic records. I also needed to retain a copy for purposes of this complaint, which Mr. Williams had threatened. I am completely without staff, and the process of organizing the file, determining what needed to be printed, and preparing it to transfer took in excess of a full day. While three weeks may seem like a long time, I do not believe it is unreasonable.

My total billing to Mr. Williams for these representations was \$8,125.50, of which \$2,250.50 remains outstanding. My relationship with Mr. Williams remained, in my view, generally positive until he was adjudged guilty. Even still, two payments were made following his trial. Mr. Williams and I discussed my withdrawal just prior to sentencing. Our relationship did not completely deteriorate until Mr. Williams was sentenced to 18 days in jail. In the process of transferring his file to him, I asked how he planned to take care of his bill. He alleged that I was holding his file hostage, which I was clearly not. I was seeking to learn, as a separate matter, where we stood on the matter of his bill. At this point he first alleged, in the context of

an appeal, that I had been ineffective. I did not cease mailing Mr. Williams his bill because I agreed with him; I ceased mailing him his bill because I knew he would either pay me, or not.

Mr. Williams is an unpopular figure, and had I more experience at the time I would have certainly declined this representation. I take seriously the duty of attorneys to represent persons that are entitled to effective representation. I believe I provided that, and it was, for the most part, with pride that I represented Mr. Williams. As he quoted Voltaire, "I disapprove of what you say, but I will defend to the death your right to say it." I sought to supply Mr. Williams with the best possible counsel at all stages of these four proceedings, and I am a better lawyer for having assumed this representation. I feel that my judgment, trial skills, and legal abilities were sound. I believe I communicated with him adequately. I do not believe I engaged any misconduct. I believe that this is evidenced by the fact that he chose for my representation to continue until he was adjudged guilty.

Should you require any further information, please do not hesitate to contact me.
Thanking you, I am,

Very Truly Yours,

Laura M. Finch

Laura M. Finch

cc: William W. Williams, with enclosures

State of West Virginia;
County of Pocahontas, to-wit:

I, L. Jay Kniceley, Notary Public for the State and County aforesaid, do hereby certify that the said LAURA M. FINCH personally appeared before me this day and acknowledged her signature to the foregoing WRITING.

Given by my hand this 3 day of April, 2020.

L. Jay Kniceley
NOTARY PUBLIC

My commission expires:

