

William White Williams

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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 11<sup>th</sup> 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 11<sup>th</sup> 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. 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 Affidavit.
9. Two (of eight) representative photographs of Accuser DeCourcy's neck (files on thumb drive).
10. Email from Accuser's main witness in MC Michael Oljaca to Complainant.
11. Response from Complainant to Oljaca's email.
12. Complainant's statement taken on 10/31/15 by TRP Brock.
13. Report of Deputy B.L. Kelly, including written statements of 12/02/15 by Accuser and Oljaca.
14. Probation Officer Robert Tooze's Pre-sentencing recommendation report(file on thumb drive).
15. Letter from Accuser to MC that was sent from FAX machine DeCourcy stole from Williams.
16. One-page document, representing Accuser's 172-page request for protection from three judges and guardian in Virginia in 2014 – case later dismissed and file sealed.

## 6. DETAILS OF THE COMPLAINT

Mr. Via was appointed to be Special Prosecutor (SP) on the case after Complainant's (Comp.) Accuser Garland DeCourcy had sent three illegal *ex parte* letters to Judge Dent. In the first *ex parte* letter, #6, Accuser badmouthed every Court Officer who failed to do what she demanded of them. She smeared Prosecutor Simmons as "lazy, corrupt and senile," #6, 10, and demanded a SP to be appointed instead of Pocahontas County (PC) Prosecuting Attorney's (PA) Office. Via, who had been Dent's boss just a few months prior to his appointment as SP, certainly heard the "buzz" around PC courthouse that DeCourcy is crazy and dangerous, and that she would stop at nothing to achieve her goal and punish those who interfered. At the end of 2015 Williams provided Magistrate Court (MC) with a one-page document showing DeCourcy had filed 172-page Complaint against three VA judges and a guardian, #16, and after a "no show" fled VA later to WV without providing Court with any forwarding address.

DeCourcy fled WV similarly in October 2018 after spending three years using courts to try and oust Williams as the duly appointed Chairman of the National Alliance Inc. (NA) using her co-coup plotters: boyfriend Michael Oljaca, employer John McLaughlin and landlord/roommate Robert DeMarais as her "witnesses" of a "battery" as pretext to obtain, without hearings, two automatic Temporary Restraining Orders (TROs). These contrived TROs were needed to keep Williams off of his 400-acre NA property while DeCourcy & Co. had full illegal access to the buildings and assets. Accuser's stated goal was to have Williams jailed for a year while she and her co-conspirators took possession of the NA with their lame judicial coup attempt. That coup attempt failed, though Comp. was found guilty and jailed.

Judge Dent could have objected to her friend and former boss's appointment as SP in this case due to the appearance of a conflict. She did not, however, nor did Via recuse himself as SP, which pleased Accuser DeCourcy who had already given the Court written notice that she had contacted and complained to numerous State, Federal and International agencies about judicial misconduct in WV's 11<sup>th</sup> Judicial District. #15. Nor did Williams's counsel Laura Finch object to the cozy relationship between Dent and Via, though she was well aware of the relationship. Via soon became quite cozy with

his alleged “victim,” Garland DeCourcy, and didn't bother to properly investigate her claim whatsoever. Soon after the three *ex parte* letters were received by Dent, Williams's defense attorney Laura Finch began working for the Court instead of fighting for her innocent client: no presumption of innocence.

The exculpatory *ex parte* letters were sealed by Dent on 12/15/16. **#5b**. It was done without informing Comp. or giving him opportunity to object. Finch knew full well that Williams insisted on using the *ex parte* letters as exculpatory evidence and that he would have vigorously objected to sealing them. In his Complaint against counsel Finch Williams provides several examples of Ms. Finch's working for the Court, not him. One essential paragraph of that Complaint against Ms. Finch is here:

*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 Def. 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 docket sheet "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 Def. "requested of [her] that she cross-examine the complaining witness regarding the voluminous ex parte communications, which she failed to do." Smoking gun!*

Finch told Comp. more than once that Via has little or no interest in the case. After receiving no call ever from Simmons' Office during MC trial Williams had expected Via to interview him at least once. He told Finch numerous times that he wanted to be interviewed but never was. In the beginning of her representation of Comp. Finch counted “no investigation by PC PA Office” to be a serious element of his defense. Later Finch began telling Comp. that a prosecutor only needs to interview the Accused if he does not have enough evidence. Before getting corrupted Finch had made the case that the State's *only* “evidence” – eight inconclusive photos – were invalid. SP Via never cared to have his office or LE

*properly* investigate Accuser's claim, only interviewing her and her “witnesses.” No due process for the Accused; no careful investigation of facts that would have led to the truth, and that should have led to charges of filing false reports to court and LE against DeCourcy. Via and the Court accepted every lie of Accuser as being truthful. DeCourcy's eight undated, untime-stamped photographs: five selfies and three allegedly taken by her biased, easily led boyfriend and “witness,” Oljaca, was SP Via's *only* evidence. All that lazy SP Via did for more than two years for the Accused was to offer a series of plea deals, each a little better than the previous one. Comp. quickly declined each plea deal because the alleged “battery” never happened; he refused to accept any guilt for the false charge. Rather than believe Williams and investigate the claim, Via and the biased Court preferred to punish him with jail for “not cooperating” and for not “taking responsibility” for a crime that had never happened.

Well before Via's appointment, Oljaca, who perjured himself for Accuser in MC, fled back to NYC.

On 4 September 2016 Williams received a desperate email from Michael Oljaca, #10. Since Oljaca badly wanted out of his “nightmare,” Comp. in his response advised Michael tell the truth to get relief. It was a Labor Day weekend and counsel Finch was not available. DeCourcy somehow got access to that email exchange and made a big deal of it, describing it as “witness tampering” in her *ex parte* letters. Oljaca made clear in his email that he “does not have stamina” to come back to PC and testify again for DeCourcy. Having no valid witnesses except her roommate Bob Demarais who stated that he saw “the bruises,” #2, 79, and her employer John McLaughlin who was in Illinois at the time of the alleged incident and could not have “witnessed” anything, Via decided to hang the prosecution of Williams not on a “battery,” but on his response to Oljaca, #11, as evidence of “witness tampering.”

The evidence of Via's misrepresentation of facts can be seen in the trial transcript, #2, 128-140, 178-179, in his lame attempt to use just part of Williams's response to Oljaca, #11, way out of context.

Another example of misrepresentation of facts is Via 's stating that “Mr. Williams's wife said that Ms. DeCourcy disclosed the choking to her in what must have been minutes after it happened,” #2, 176. He later repeated: “Ms. Williams was told the day it happened that there was a choking.” #2, 184.

Lana Williams's words in fact were: "He *tried to choke* me. Her voice sounded like it was a joke, like there was big smile on her face." #2, 153. On Via's question "I believe you said that she [Accuser] made the allegation to you about Will having choked her. Is that correct?" Lana answered, "She said, we had some argument [during] morning consulting. He *tried to choke* me." #2, 159. "Tried" only!

Both Via and Dent conveniently ignored that first part of Lana Williams' 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." #2, 152. That goes to show the Accuser hadn't had time to concoct her so-called 'attempted homicide' story that soon after it supposedly happened." On Judge's question: "Was she communicating to you that she had been the victim of a violent crime?" Lana answered: "At the very end, very shortly...she wouldn't tell me if I wouldn't ask her to tell Will he should call me...We were about to hang up." #2, 154. The fact 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," #2, 153. This apparently didn't raise any suspicions about Accuser's claims from Via and Dent. Yet the idea that Accuser, who had been lying and contradicting herself during her entire testimony, could easily lie to Mrs. Williams that Def. only "*tried to choke*" her didn't seem to raise any reasonable doubt about Accuser's reliability with either Via or Dent. The false "choking" claim was leading to a guilty verdict.

Comp. desires that Accuser's entire trial testimony, #2, 8-74, be read by the Office of Disciplinary Counsel to see a pattern of 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. DeCourcy confessed in June 2015 to a mutual acquaintance Meredith Kellar, who was present at the 08/14/18 trial, that she had been diagnosed with Asperger's Syndrome. Some level of Accuser's mental disorder presents in her outrageous demeanor at trial and in her writings, #6, #7, yet Via and 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. Just two examples of Accuser contradicting herself: Accuser lied that she had never been asked to separate from her employment by Comp, 52-56. Later DeCourcy contradicted that sworn testimony, admitting that she *had in fact* received the Termination of Contract document, but kept denying ever being asked to separate from her employment. 59-62. Finch should have had her read that part. Accuser also contradicts herself when asked if she had been paid for September 2015: In line 9 of page 48 she said, "No." However 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 and brutal fight, 20-24, will be read by the Office of Disciplinary Counsel to realize Accuser's over-the-top theatrics and testimony that contradicts her photographic "evidence," #9a,b, 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 claimed to result from 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. **#9**. Accuser describes the injuries in the photographs as "the swelling and the scratch marks." **#2, 29**. Photographs do not show either swelling or scratch marks, just tiny pink spots, *probably self-inflicted, then selfied*. 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." **#2, 65**. The selfie photos show nothing of the sort. The marks certainly *could have been self-inflicted* by this certified scammer. Via pretended to not see Accuser's obvious lies and contradictions under oath. However, he advises the Court to doubt Williams's veracity over one flip, out of context remark he made about tampering with a "witness" who had emailed him, wanting to drop civil suit Accuser had him file against NA, **# 2, 179**. Comp. never lied, **#2, 100-150**.

The exact quote from Comp. to Via's Q: "You think [DeCourcy] was going to hurt you?" A: "Not until she jumped up and got in my face." Q: "How'd she got in your face with the desk between you?" A: "With her finger." Q: "Did you feel physically threatened by that?" A: "I am not afraid of her. But I was being advanced on by this screaming lunatic. And I was trying to talk to...my other employee [Oljaca] who was sitting next to [me], not outside the room as Accuser lied. I told her to shut up. Actually, I probably cussed a little bit in there, but no need to say that here" **#2, 120**.

SP admits this exchange between Williams and DeCourcy occurred across a desk. Choking someone across a desk is impossible. The quotes above show Comp's scrupulous honesty, consistent with his statement to Trooper Brock on 10/31/15, **#14**. It should be obvious that almost any person would instinctively react by lifting his arm to block a charging aggressor from getting any closer. DeCourcy could have spit at or scratched him. She was out of control, screaming, shaking her finger aggressively.

Dent ignored Via's point that there was a desk between the Accuser and the Accused. Via used the desk reference foolishly: "It's inconceivable that [Comp.] felt like...exercising self-defense." **#2, 178**.

Via pretended not to see obvious contradictions between DeCourcy's description of the alleged

incident during her testimony, #2, 20-24, and earlier descriptions of it by her and Oljaca, #13. Oljaca stated that he had “physically restrained [Williams],” #13, 4, with no mention whatsoever of a long, brutal fight. Via concluded Oljaca's “statement to law enforcement” and his “testimony corroborated Ms.DeCourcy's version of events here.” #2, 178. The two little pink spots on Accuser's neck were no result of being “beaten up” by a large man. Yet lazy Via stated: “And the photos, I think, speak volumes as well.” #2, 180. The only volumes spoken by the photos were of an unethical mockery of justice.

DeCourcy's only “witness” at trial, her roommate/benefactor and co-conspirator Bob Demarais, proved to be biased, #2, 89-92. His description of the “bruises” he saw, #2, 79-80, contradicted the photographs that supposedly “spoke volumes.” #9. In Accuser's testimony, #2, 31, she and Oljaca met DeMarais immediately after taking the evidentiary photos, #9, so he couldn't have seen any “bruises,” just pink spots, #2, 79-80. With this lie Via states: “Mr. Robert DeMarais...was very credible.” #2, 175.

In discussing Trooper Brock, who “corroborated DeCourcy,” #2, 175, Via conveniently forgot that Brock contradicted Accuser's lie, #2, 166, that on 10/31/15 he prepared the written report with her version of the 9/30/15 altercation outside of her presence, and *forced* her to sign it, promising that after signing he will stop "ongoing crime" against her. #2, 41. Of course Brock testified that he made no such promise. #2, 166. Brock was sequestered when DeCourcy lied that he had made this promise.

Ms. Finch's closing arguments were short and feeble, but still she managed to mention some of the serious lies told under oath by DeCourcy, #2, 180-184. In his sentencing speech Via stated: “But this Court made the finding beyond a reasonable doubt that the offense of battery was committed...and we would strongly encourage the Court to impose that sentence [six months of incarceration] at this time.” #4, 34. Had MC sentence not been limited, Via would likely have recommended a year in jail. #4, 34.

SP Via “played dumb” at Williams' final sentencing hearing. All three legitimate post-conviction motions were denied by Dent, even though in the Recommended Sentencing Report prepared by Probation Officer (PO) Robert Tooze, #14, it's said that Comp. has good character; no criminal record, served honorably as a military officer, and has a stable marriage. Tooze recommended probation only.

Via and Dent were also informed by Ms. Finch that DeCourcy had fled the State on 10/27/18 – 17 days after Comp. stated during his first sentencing hearing that he would invoke §61-11A-3(e) of the *WV Code* and personally question the numerous “factual inaccuracies” in his Accuser's Victim Impact Statement (VIS) – the same VIS that Dent wanted so badly to strike, like it never existed! #7. On the first page of her 13-page, single-spaced VIS DeCourcy wrote that she wished to attend Williams' sentencing to give an oral statement reinforcing her written VIS. In her unhinged VIS DeCourcy swore that Williams committed many crimes: multiple murders, hiring others to murder, kidnapping, larceny, extortion, rape, arson, etc., and is a gang leader! Normal people will see that a mentally healthy person could not have typed this fantastic VIS that she signed under penalty of prosecution for perjury. After seeing PO's Report Via stated: ”It [VIS] is not false just because Mr. Williams says it's false.” #4, 16.

Via also grossly misstated: “ I am not aware of any rule whatever that gives a defendant a right to cross-examine a victim following the submission of a victim impact statement.” #4, 16.

One would expect that a Greenbrier County Prosecuting Attorney – Patrick Via – who had run for CC Judge in 2014, even though he lost, would be acquainted with Chapter §61-11A3(e): *The court shall, upon motion by or on behalf of the defendant, grant the defendant a hearing, whereby he may introduce testimony or other information related to any alleged factual inaccuracies in the statement.*

Via and Dent both contradicted themselves regarding the unsealing of the sealed *ex parte* letters. At the first sentencing hearing on 10/10/18 Via stated that "the next attorney in line [figuring Comp. would hire an appellate attorney] would certainly have access to it [*ex parte* letters]." #3, 4. Dent also confirmed that "any new counsel would have access to it [*ex parte* letters], could request that [they] be obtained through unsealing the court file." #3, 5. In the next paragraph Finch says "...he [Williams] intends to represent himself." #3, 5. Comp. had expressed at that same hearing in open court his intent to represent himself going forward, yet he was being denied access to the sealed, illegal *ex parte* communications from his Accuser to Judge Dent, meant to prejudice the Court to convict and jail him.

Ruling on Ms. Finch's Motion to Withdraw Dent first said, "I am going to allow, Ms. Finch, your

withdraw[al]." #3, 6. Yet shortly after huddling in her private chamber *in camera* with Via and Finch – without the Defendant who she had just ruled would be allowed to represent himself, Judge Dent returned to the bench and said, on the record, "I am going to deny the motion to withdraw." #3, 7.

At the second sentencing hearing Via stated in objecting to unsealing *ex parte* letters: "We are here for sentencing... If they [*ex parte* letters] are something that might be necessary for an appeal or something, maybe." #4, 5. Both Dent and Via heard at the first sentencing that Comp. intended to make a motion for a retrial and/or appeal to WVSCA. #3, 8. A few days before second/final sentencing they both 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." Regarding Motion for New Trial Via misrepresented the facts stating that "evidence [sealed *ex parte* letters]...was available." #4, 12. They just were not going to be made available to the Accused. Despite Finch's admission that her client, "requested [of her] that she cross-examine the complaining witness regarding the voluminous *ex parte* communications, which she failed to do," Via argued that, "The victim was thoroughly cross-examined." #4, 12. Comp's witnesses, who were present at the trial, commented they had witnessed a biased "kangaroo court" in which the principles of law and justice had been perverted to "railroad" the defendant and take away his liberty.

Comp. considers Via's flippant comments about Accuser's unhinged *ex parte* letters and her VIS to be clear examples of his *Obstruction of justice by [an] elected official as interference with the process of justice by withholding important information.*

Williams persistently requested of Finch to call his primary witness Fred Streed and to make SP Via call him. Finch was provided with Streed's sworn Affidavit of 03/24/16, #8, at the very beginning of her representation in April 2016. Finch never once called Streed herself and had failed to provide Via with the exculpatory Affidavit. Under Comp.'s pressure Finch finally provided Via with the Affidavit about a week before 08/14/18 trial. However she failed to provide Via with the essential "Exhibit A" portion of

this Affidavit that clearly shows DeCourcy to be a pathological liar. Even without “Exhibit A,” Streed's Affidavit raises serious doubt that a “battery” took place. Mr. Streed's swears: "On September 30th, 2015, Mr. Williams told me he and Garland had just had a heated conversation. I talked with Mr. Williams right after it happened. He was calm and didn't appear angry. I also talked with Garland and Mr. Olanich [Oljaca's alias] soon after my conversation with Mr. Williams. She seemed very excited and angry but made no mention of an assault on her. I didn't see any bruises on her throat or other signs of a physical altercation."#8, 2. Via ignored the Affidavit and made clear that he was not interested in any evidence that is favorable to the Accused and that will negate his guilt. Comp. sees that as just one more example of *Obstruction of justice by elected officials as interference with the process of justice by withholding important information*. Via seriously violated **Rule 3.8. Special Responsibilities of a Prosecutor: (A):** A prosecutor *shall refrain from prosecuting a charge [he] knows is not supported by probable cause, (G):* *When a prosecutor knows of new, credible and material evidence creating a reasonable likelihood that a convicted defendant didn't commit an offense of which the defendant was convicted, the prosecutor shall:...(2)(ii) undertake further investigation, or make reasonable efforts to cause an investigation, to determine whether the defendant was convicted of an offense that the defendant didn't commit.* Also, in comment [1] to **Rule 3.8** *A prosecutor has the responsibility of a minister of justice, not simply that of an advocate. He is to see that a defendant is accorded procedural justice. Special prosecutions are taken to prevent and to rectify the conviction of innocent persons. He should take remedial measures to correct a defect in a prosecution, according to* **Rule 8.4 Misconduct.**

Comp. strongly feels that Special Prosecutor Pat Via violated this **8.4 Rule (C, D, F)** by conspiring against him with Judge Dent and with his own defense counsel Laura Finch. Citations of **Rule 8.4.** are: **C.** *engage in conduct involving dishonesty, fraud, deceit misrepresentation; D.* *engage in conduct that is prejudicial to the administration of justice; F.* *knowingly assist a judge [Jennifer Dent] or judicial officer [Laura Finch] in conduct that is a violation of applicable rules of judicial conduct or other law.*

SP Via deserves worse than censure or reprimand by his peers. Is he a “Minister of Justice”? Pffft!

Comp. bought an \$800 round trip ticket for his primary witness Fred Streed to testify at his trial, but suffering advanced kidney failure Streed had a sudden health emergency while waiting in line at the Oregon airport at 5:30AM the day before court. Comp. then requested Finch ask Via for Streed to testify telephonically due to such misfortune. In violation of **Rule 3.8 G** Via began bargaining, offering the condition that he will only allow that if Oljaca can also testify by phone. Comp. pointed out Via's witness haggling in his testimony. Via didn't like that and rushed to change the subject. #2, 139.

Comp. never enjoyed *any* presumption of innocence, and SP Via, as a state actor, seemed intent on depriving Defendant of his liberty without due process of the law -- not only in violation of WV law but in violation of both the **Fifth** and **Fourteenth Amendments of the U.S. Constitution**. The **Fifth Amendment** applies to every level of the government, including the federal, state, and local levels... in regard to a US citizen or resident of the US, Like the **Fourteenth Amendment**, the **Fifth Amendment** includes a due process clause stating that “no person shall be deprived of life, liberty, or property, without due process of law.”

Despite Defense's motion requesting a hearing to question Accuser regarding her VIS, Mr. Via stated that Accuser "is not available here today for cross-examination, nor should she be" at the 02/12/19 sentencing. #4, 16. That appears to be not only a violation of §61-11A-3(e) of the **WV Code**, but of the **Sixth Amendment's** Confrontation clause that gives criminal defendants the right to confront and cross-examine witnesses.

Accuser fled WV on 27 October, 2018, to points unknown to this day, after learning that the Accused would question her directly in court, under oath, about the factual inaccuracies in her VIS, as entitled under §61-11A-3(e), likely due to fear of arrest for filing false reports and for her other crimes.

On presentation of the Defense's request for post-sentencing bond Mr. Via stated that defendant is going to be at the jail for just 18 days, so he will have plenty of time to take care of his appeal,” #3, 38. Actually, it took Williams more than three weeks of the 30 days he had to prepare his appeal, after being jail, to restore his strength enough for clear thinking and working. Williams, at 71, had been

handcuffed for the third time during this protracted ordeal, and remanded from court directly to the Tygart Valley Regional Jail again while that facility was locked down, under quarantine, due a serious flu epidemic. Comp. was infected with the virus, was seriously ill, lost 12 pounds he didn't have to lose.

It took Mr. Via two weeks to prepare and file the final order which combines the Court's denials of the three post trial motions. Later it was discovered that the order denying Ms. Finch's Motion to withdraw of 10/10/18 was missing, as well as the order regarding Williams's bond. Mr. Via was responsible for those orders and for over a week had been ignoring Defense's urgent requests for those documents due to the, by then, shortened deadline to submit his Notice of Appeal. Comp.'s wife Lana had to make several calls to the Circuit Court Clerk after emailing Mr. Via and leaving several telephone messages with his Clerk with no responses. Patrick Via is a very unprofessional attorney.

Defense counsel Finch and SP Via couldn't decide who was responsible for filing the order denying Ms. Finch's motion to withdraw. It was finally filed at Comp.'s request by Finch, signed by Judge Dent on 3/20/19, five months after its denial, and on the *very last day* before the Notice of Appeal was mailed in order to meet the required deadline. Recall that Special Prosecutor Via had spitefully remarked at sentencing that Williams did not need bond to prepare his Notice of Appeal because he was only going to jail for 18 days **#4, 38**.

Comp. is positive that *the fix was in* from the beginning and he had no chance to be found not guilty. What he experienced with Judge Dent, SP Via and counsel Finch practically amounted to a show trial. Comp. never expected such obvious bias, dishonesty, and dishonorable behavior from the Officers of the Court, sworn to abide by WV Rules of Professional Conduct - specifically, from Greenbrier County Prosecuting Attorney Patrick Via. Complaints against Judge Dent in this and in a related civil case have already been filed with the Judicial Investigations Commission, received by JIC and filed on 01/27/20.

Citizens of WV must be protected from any future injustice like Will Williams has experienced at the hands of attorney Patrick Via and the other named officers of WV's 11<sup>th</sup> Judicial District. Comp. will

clear his name, either through his appeal to WVSCA or in the court of public opinion with a book.

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February 28, 2020

Mr. William W. Williams

  
Mountain City, TN 37683

**Re: *Legal Ethics Complaint against Patrick I. Via, Esquire***  
***WV State Bar No. 6388***  
***I.D. No. 20-09-064***

Dear Mr. Williams:

This letter is to advise you that the complaint you filed against Respondent Patrick I. Via has been received and reviewed by this office.

Mr. Via is the Prosecuting Attorney for Greenbrier County, West Virginia. He was the appointed Special Prosecutor in a criminal prosecution of you that took place in Pocahontas County, West Virginia. In your complaint, you made allegations that Mr. Via violated his duties and violated your rights before and during the trial that took place in August 2018.

Although your frustration is understandable, as a prosecutor, Mr. Via is permitted the exercise of prosecutorial discretion in fulfilling his duties to the State, and his actions in this capacity are generally not considered a violation of the Rules of Professional Conduct. A prosecutor is afforded this discretion based on the following: (1) an obligation to seek justice and not merely to convict; (2) his representation of the State, as opposed to an individual client, which requires him to make decisions that must be fair to all; and (3) the benefit afforded a defendant of proof of guilty beyond a reasonable doubt. See *State v. Dostert*, 173 W. Va. 133, 313 S.E.2d 409 (1984).

Moreover, the allegations contained in your complaint involve factual issues and legal questions that are, at this stage, best left to be addressed in appropriate post-conviction court proceedings, and not this office. The question of whether there is sufficient evidence to support your conviction and whether your constitutional rights

William W. Williams

February 28, 2020

Page 2

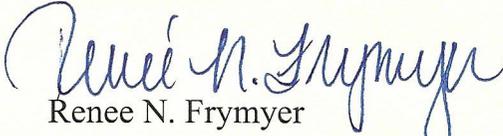
were violated are issues that are beyond the jurisdiction of this office to decide and are likewise best addressed in appropriate court proceedings. If a court makes any finding of misconduct or other violation of the Rules of Professional Conduct, the court may forward any such findings to this office for consideration.

Accordingly, it has been determined that your complaint against Mr. Via does not constitute a violation of the Rules of Professional Conduct and this complaint will not be docketed and will be closed without further action. Mr. Via was not required to respond to this complaint.

However, if you disagree with the findings set forth by Lawyer Disciplinary Counsel in this letter, please submit your written statement setting forth the reason for your objection and this matter will be presented at an upcoming meeting of the Investigative Panel of the Lawyer Disciplinary Board for review.

Please be aware that under Rule 2.6 of the Rules of Lawyer Disciplinary Procedure, the Office of Lawyer Disciplinary Counsel may release information confirming the existence of a complaint. Pursuant to *Daily Gazette Co., Inc. v. Committee on Legal Ethics*, 174 W. Va. 359, 326 S.E.2d 705 (1985), all closed complaints, including this one, are placed in a file which is accessible to the public.

Sincerely,

  
Renee N. Frymyer  
Lawyer Disciplinary Counsel

RNF/ems

cc: Patrick I. Via, Esquire  
(enc.: copy of complaint)

William White Williams

5 March 2020

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

Dear Ms. Frymyer and the Office of the Disciplinary Counsel,

I received your 28 February, 2020 response to my formal complaint of professional misconduct against Patrick I Via, Esquire, the Special Prosecutor in my appeal of the misdemeanor battery conviction in Pocahontas Circuit Court. I understand that your Office can not deal with my allegations against Mr. Via, essentially because he is immune from complaints by those he prosecutes due to special discretion allowed him while representing the State of West Virginia.

Although you say my complaint against Via is closed, you allow in your response that I can still raise my complaint before an "upcoming meeting of the Investigative Panel of the Lawyer Disciplinary Board." Please let this letter serve as a formal request that my complaint be heard by this Investigative Panel of the Disciplinary Board.

I was aware of limited prosecutorial immunity before filing my complaint. However my research revealed that if my prosecutor was obviously misrepresenting facts, intentionally making false statements, or obstructing justice, that those are serious violations that give me grounds for filing my complaint against him. I was also told by the Clerk of your Office that I may file complaints against both my attorney and the prosecutor on the case. Everyone must answer to someone, even County Prosecuting Attorneys and judges.

You tell me that Mr. Via's conduct, or rather what I see as his misconduct, did not violate Rules of Professional Conduct: as you noted, numbered 1, 2, and 3.

- 1. He was obliged to seek justice, not only to convict.** Yet he refused to look at significant exculpatory defense evidence and was determined to convict me.
- 2. He was obliged only to represent the State, yes, but he also worked closely with my Accuser -- an individual client -- with total disregard for her many contradictory statements and lies, specifically the exculpatory evidence (more than 100 pages of illegal *ex parte* communications to the judge by her) that were sealed, without my knowledge, or affording me an opportunity to object to the sealing. My Accuser's 13-page Victim Impact Statement (VIS) was disregarded by Mr. Via, by the judge, and by my own defense attorney. I was disallowed from questioning the many factual inaccuracies and libels in that VIS. Thus my complaints against all three Court Officers. In three *ex parte* letters and VIS I am falsely accused of committing numerous crimes, including murder, that the Court conveniently accepted as true.**
- 3. Absolutely no reasonable doubt that I battered the State's claiming witness, my**

Accuser, was afforded me. None. To put in lawyerly terms, Via, the judge and my defense attorney *concealed evidence that lawyers would reasonably believe have potential or actual evidentiary value*. Again, despite many of Accuser's proven lies and contradictions, under oath, and the obvious lack of sufficient evidence, Via and the Court did not consider any of that to raise reasonable doubt. The *fix was in* to convict me, disadvantaged by my being an out of state defendant. I offer proof of that in my WVSCA appeal and with my four complaints. The Court and Via were not interested in my Accuser's clear, documented motive for making her false claim and for filing her false reports to the Court and to law enforcement. To avoid giving me my day in court Via offered me several plea deals, all of which I declined immediately because no battery ever took place. I refused to "accept responsibility" and guilt for being a "woman beater." He never questioned the false claims, up to nor after my lying Accuser fled the state of WV in October 2018 for fear of facing and being questioned by the Accused -- me -- or of possibly being arrested for filing false reports, perjury, harassment, abuse of process, etc.

In my 12-page complaint I provide several examples of Via's misrepresenting facts, **pages 3-4, 6-7**, and obstructing justice. **pages 8-11**. Also, besides evidence of violating **Rule 8.4 (c,d,f)** by Mr. Via, I specifically cited **Rule 3.8. Special Responsibilities of a Prosecutor** and provided proof of that Rule's violations, **pages 10-11**. I am surprised that my complaint, showing Patrick Via's concealing of evidence, making false statements and obstructing justice do not constitute violations of the Rules of Professional Conduct.

Again, my criminal conviction for an alleged 2015 misdemeanor battery is under appeal *pro se* to WVSCA, though in both the Petitioner's Brief and Reply Brief I was limited by space to present detailed evidence to *each* of Via's violations. Prosecutorial Misconduct was in the last chapters in my limited Briefs.

Hopefully, my complaint will be presented for consideration at an upcoming meeting of the Investigative Panel. It is shocking to me that Special Prosecutor Via was free to do everything he wanted: show his obvious bias against the Accused; prosecute without probable cause, nor properly investigate Accuser's claim. During the three and one half year ordeal I was never interviewed by either law enforcement or by the prosecutor at the Magistrate level or Circuit Court. Fact! Via and the other court officers, including my own defense attorney, concealed exculpatory evidence and used unverified, unquestioned, undate-stamped selfie photographs as the court's *only* evidence. The three trial transcripts, the ignored affidavit of my primary witness and other exhibits should have raised more than just reasonable doubt that no battery took place as my Accuser claimed back in 2015. Via, in fact *did* represent my Accuser, spending untold hours working closely with her while never once interviewing me. Why should he since he's protected and unaccountable? So far, that is.

Respectfully submitted,



Will Williams

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March 11, 2020

Mr. William W. Williams  
  
Mountain City, TN 37683

**Re: *Complaint against Patrick I. Via, Esquire***  
***I.D. No. 20-09-064***

Dear Mr. Williams:

I am in receipt of your recent correspondence, and I am treating the same as an objection to the dismissal pursuant to Rule 2.4(b)(1) of the Rules of Lawyer Disciplinary Procedure. This matter will be placed on the agenda of the May 16, 2020 meeting of the Investigative Panel of the Lawyer Disciplinary Board and will be reviewed by all members of the Panel. The Panel consists of both lawyer and non-lawyer members. You will be notified in writing of their decision. The documents filed with your complaint will also be available for the Investigative Panel to review. Any information you wish to have considered in the review of this appeal must be submitted by June 15, 2020.

By copy of this letter I am notifying Respondent of the appeal. The Respondent may send a response if desired, but no further response is required at this time.

Sincerely,

  
Renee N. Frymyer  
Lawyer Disciplinary Counsel

RNF/ems

cc: Patrick I. Via, Esquire (enc.: copy of Complainant's letter)

STATE OF WEST VIRGINIA  
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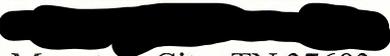
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June 30, 2020

Mr. William W. Williams

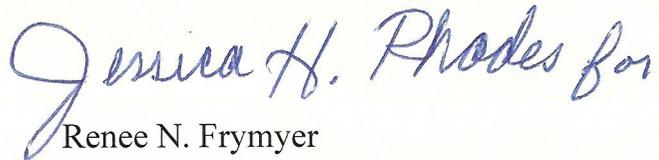
  
Mountain City, TN 37683

**Re: *Complaint against Patrick I. Via, Esquire***  
***I.D. No. 20-09-064***

Dear Mr. Williams:

At its June 25, 2020 meeting, the Investigative Panel considered your appeal of the closing of the above-referenced ethics complaint. After a review of this matter, the Investigative Panel voted not to reopen your complaint. A copy of the Order is enclosed. This matter is now concluded in our office.

Sincerely,



Renee N. Frymyer  
Lawyer Disciplinary Counsel

RNF/ems

Enclosure

cc: Patrick I. Via, Esquire (w/enc.)

**BEFORE THE INVESTIGATIVE PANEL  
OF THE  
LAWYER DISCIPLINARY BOARD  
STATE OF WEST VIRGINIA**

**I.D. No.:** 20-09-064

**Date Complaint Received:** February 24, 2020

**Date Complaint Closed:** February 28, 2020

**COMPLAINANT:** William W. Williams

**RESPONDENT:** Patrick I. Via, Esquire

**Bar No.:** 6388

**ORDER**

This matter came on for deliberation by the Full Investigative Panel of the Lawyer Disciplinary Board at its meeting held on June 25, 2020. \_\_\_\_\_ was recused from deliberation on this matter. After due consideration of the facts, the Panel voted 7-0, with a quorum being present, to:

- Affirm the closing as ordered by the Chief Lawyer Disciplinary Counsel or Office of Disciplinary Counsel pursuant to Rule 2.4(b) of the Rules of Lawyer Disciplinary Procedure;
- Direct Disciplinary Counsel to place the complaint back on the open case docket, notify Respondent, and investigate further; or
- Other \_\_\_\_\_

**ORDERED** on the 25<sup>th</sup> day of June, 2020, and **ENTERED** this 28<sup>th</sup> day of June, 2020.

  
\_\_\_\_\_  
**Amy C. Crossan, Chairperson**  
Investigative Panel  
Lawyer Disciplinary Board

COPY