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15 April 2020

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

Complaint of William W. Williams
L.D. No. 20-02-065

Dear Ms. Frymyer and the Office of Disciplinary Counsel,

I received on 6 April, 2020, attorney Laura Finch's response to my complaint against her to the Office of Disciplinary Counsel (ODC). Ms. Finch paid little attention to my formal complaint and accompanying attached documents when responding, ignoring many documented claims made against her in that complaint. As complainant I expect that Ms. Finch, who styles herself a great defense lawyer, would take my complaint against her to the WV ODC seriously and be thorough in her defense against these claims. Instead she comes across as forgetful, unprofessional and weaselly, equivocating with generalities rather than responding with specificity. She ignores thorough citations in my complaint altogether, while patting herself on her back for what a great job she did defending her innocent client.

In the following ADDITIONAL COMMENTS section I will present my counter-responses with details. Also I will point out, in my opinion, specific instances where Ms. Finch has been intentionally dishonest with the Office of the Disciplinary Counsel.

Since in the only letter from you of 28 February 2020 there was no direction to provide a copy of my response to attorney Laura Finch, and since your WV ODC office has been closed due to the current pandemic crisis for me to to ask about such necessity, I am not sending the copy of my response to Ms. Finch believing that it should be the ODC's decision.

Respectfully submitted,

William White Williams

DOCUMENTATION:

I. Letter from Judge Dent to Accuser DeCourcy concerning *ex parte* communication received.

II. Fraudulent Motion to Withdraw of Counsel Finch.

III. Significantly delayed Judge's Order denying Counsel Finch's Motion to Withdraw.

IV. Three additional bills from Counsel Finch to Complainant.

V. Emails exchange regarding “special hearing with extra security.”

ADDITIONAL COMMENTS

In the interest of brevity and for the convenience of the Counsel, Comp. uses the following abbreviations: **WC** for Williams' Complaint, and **FR** for Finch's Response. For example, **FR1(1)** is Finch's Response, page 1, paragraph 1; **WC12(3)** is Williams' Complaint, page 12 paragraph 3.

In her opening paragraph Finch states that her client's sentence in Circuit Court (CC) was "reduced to a fraction of that originally imposed [in Magistrate Court (MC)]." Considering that the Pocahontas County (PC) prosecutor had offered the first of four "plea bargains": probation and "time-served," prior to the MC trial – declined by Williams because the "battery" had never occurred – the 18-day active incarceration on the same six-month jail sentence in MC is hardly "favorable." Three more pleas were offered by SP Via during Comp's appeal, all also declined by Comp. The 18-month probationary period that Comp is still under, at this writing, from CC sentencing was not imposed in MC. Williams made clear in open court at sentencing in MC that he was appealing the unprecedented six months sentence for his "first offense." There have been several additional restrictions imposed by CC Judge Dent, that were not imposed in the MC sentence, including drug and alcohol testing although Williams consumes neither drugs nor alcohol, and the alleged "battery" involved neither. Williams had to submit to nine weeks of Court-ordered "anger management" classes though his case is currently under appeal **#19-0256** before the WV Supreme Court of Appeals (WVSCA). Williams manages anger quite well until he gets the feeling he is being railroaded on false charges, then he goes on offense, seeking justice using the same judicial process that jailed him. He has no record of violence. Williams' Tennessee concealed carry handgun permit was revoked after the CC sentencing by Homeland Security, though WV doesn't require such permit; his case has no final disposition, being under appeal; the alleged "battery" was neither aggravated nor domestic, and no criminal record: it was his "first offense."

Comp.'s point in all that is that Finch flatters herself with the disingenuous claim that she won a "more favorable" sentence in CC on appeal than Comp. had received in MC under Carrie Wilfong, who Finch said should have recused herself. Wilfong was later suspended without pay twice by WVSCA.

FR1(2),*1. Comp. agrees that Ms. Finch obtained a favorable outcome in the bogus case brought by his Accuser's boyfriend and co-conspirator, Michael Oljaca. He wrote about that in **WC1(1).** Finch told Comp. at the time that his was her *first case in PC Magistrate Court*. Comp misspoke in his Complaint saying "Pocahontas Court." Comp. expects that if his veracity on this simple misstatement is so important, the Counsel's investigator can confirm that his was Finch's first case in Pocahontas MC, just as she had told her client back in 2016 while they were sitting together at the MC defense table. Now she believes it was "among her first" in PC MC. Williams has never claimed that he was Finch's "first client." He has no knowledge of her client list four years ago, but he does know that she had just opened her PC practice a few days earlier.

While concentrating on this detail in her response, Finch ignores the much more important point made about his Accuser's *motive* and her boyfriend Oljaca's *motive* for requesting TROs to keep Comp. off the property he is charged to manage as NA Chairman, and having him jailed for violating their two bogus, automatically granted TROs – TROs granted with neither a hearing nor a proper investigation.

Finch, as usual, ignores Comp.'s evidence of Accuser's patterned history of being a documented scam artist and judicial process abuser, especially misusing requests for TROs. **WC1(1).** It is nice that she admits that her client's Accuser "lacks credibility" – that she is a liar – and that as the Accused's counsel she admits enjoying cross-examining the lying, crazy-acting Accuser. So why not question the lying Accuser's motive? Why did Finch not force an investigation into *why* her client was accused of a battery by an Accuser that she, herself, claims to "lack credibility?"

FR1(3), *2. With his complaint Williams attached the original email from Oljaca to him as well as his response to Oljaca. **#13**. ODC can draw its own conclusion as to which party initiated the dismissal of the *Oljaca v. Williams, NA, et.al.* civil suit and whether Williams "tampered" with his Accuser's witness, much less did he "threaten" Mr. Oljaca. Finch claims that "Oljaca's counsel indicated his client did not wish to pursue [the civil suit]," and that her own client, the Accused Williams "had directed Mr. Oljaca to dismiss the lawsuit." Anyone with a lick of common sense can read that on 09/04/16, in

Plaintiff Oljaca's unsolicited email to Defendant Williams that he had "indicated that [he] did not wish to pursue [the civil suit]." His verbatim statement: "I regret filing a civil suit against NA, and [three] other entities." He had lost 40 pounds, wasn't eating, was depressed while Comp.'s Accuser had him squatting illegally in a NA residence – the gatehouse. Oljaca goes on the write "If Bob [DeMarais, Accuser's landlord/roommate/co-conspirator/and the man who paid Oljaca's attorney Kris Faerber $4,000 to sue NA] and Gael [Accuser Garland DeCourcy's alias] find out i [sic] have written to you, there is no telling what they would want to do to me, i [sic] shudder when i [sic] think about that...I want to drop this lawsuit." Does that sound like a "witness" that has been "tampered" with by the Accused? Michael Oljaca had had enough of the fraudulent coup attempt.

Comp.'s reply to Oljaca that same day, three hours later, **#13, 2,** if read carefully, provides much information about what was going on. Finch was on her Labor Day vacation that day and unavailable for counsel. Comp. advised Oljaca to tell the truth to the court instead of continuing to lie for "Bob and Gael" in their lame judicial coup attempt. Comp. wrote to Oljaca that "our WV attorney, Laura Finch, will help you perfect your letter [to the court] and deal with [your attorney Kris] Faerber for you." Oljaca's counsel didn't "indicate" to anyone that his client "did not wish to pursue [the bogus lawsuit]" until much later, after Comp. shared the email exchange with Finch when she finally became available.

To put this in context, the email exchange was one month before Comp.'s Accuser wrote her first, 10/06/16, 14-page, illegal private *ex parte* letter to Judge Dent, **#6 –** the letter that was so alarming, accusing Defendant Williams of murder, hiring others to murder, rape, kidnapping, extortion, arson, fraud, and being a "gang leader," among other things, that Dent called for the "special hearing" on 2 November with "extra security for safety reasons." Whose safety? Why? This is when the term "witness tampering" was first heard by Comp. *WV vs.Williams* was at that point no longer just a simple misdemeanor battery appeal, but had risen to a serious "witness tampering" case, a possible felony. **#V, 2.** Laura Finch went along with the court in this new direction rather than demand a halt to it, knowing it was bogus. The term "ineffective counsel" hardly describes how distressingly inadequate

Finch's representation of her client was, really, from this point forward in the prosecution of Comp. Williams, who was thoroughly disadvantaged as, in Finch's words, “is an unpopular figure.” **FR6(2).** Williams was an innocent, out of state defendant, entirely dependent on Finch to seek justice for him.

Finch claims in **FR2(1)** that she “believed her client to be innocent of the battery of Ms. DeCourcy... until [Williams'] testimony at the trial in August 2018.” Comp. demands specificity! What was it exactly in her client's testimony on 8/14/18 trial that convinced Finch that Comp. was guilty of battering his, until then, “incredible” Accuser? Also defense attorney Finch must provide precise citations of her client being "impeached several times during his testimony." **FR3(3).** Specificity!

Accuser DeCourcy, who is now a fugitive on the lam, is the litigious party who in fact was impeached many times during the trial. However, Finch mentioned only a few of Accuser's numerous lies in her short, half-hearted closing argument**. #2, 180-184, WC6(2), 7(1), 8(2), 9(1-3), 10(2).**

Comp. implores the Disciplinary Counsel's investigator to read the transcript of Comp.'s testimony, **#2, 100-150,** to search for whatever it might be that convinced Finch that her client committed a battery after being convinced up until then that he was innocent. She was obligated to inform her client that she thought he was guilty so that he could have moved to end her representation *then* instead of on 10/10/18 when they, minutes before sentencing, mutually agreed to draw and submit the Motion for her to withdraw, which they *both signed*. More later, questioning what may have happened to that Motion.

Once Comp. requested the Docket Sheet (DS) from the Clerk of Court, **#1,** two weeks after being found guilty on August 14, 2018, the same day Finch states she had decided he was guilty, he realized for the first time how Finch had been working for the Court since late in 2016 instead of for him.

In **WC5(2)** Comp. wrote about this so-called “witness tampering” email exchange between Oljaca and Williams and Finch's failure to address it effectively at trial. She preferred to tell the Court that her client had “impeached himself” and that he had “lied.” Ace defense lawyer Finch is the one who lied at 8/14/18 trial, not her client. **#2, 182, WC6(1).** The proof of this is in the trial transcript**.**

Finch claims: “The [*ex parte*] letters themselves did not in any manner corrupt me, or persuade me of

the guilt of my client, or cease me to be disloyal [sic] to him in any fashion." Yet she says these illegal letters, meant to influence the judge, impeached her client's Accuser. So, why did she defy her client's wishes to use this exculpatory evidence to impeach his Accuser? In his cover letter Comp. wrote that 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." He gave confirmation to this belief on **WC1-10**. Finch's betrayal began some time *after* Accuser's illegal letters were received by Dent with the outrageous accusations, *not in evidence*, made against her client, not nearly two years later at the 8/14/18 trial as she now claims in **FR2(1).**

FR2(2). E*x parte* letters are *extremely* exculpatory and relevant despite Finch's denial that they are. Numerous times DeCourcy wrote about "the assault, battery, attempted homicide [of her] on 9/30/15." Some examples of that are in **#6, 2(4), 5(1), 5(6), 6(3), 7(1).** In her response Ms. Finch failed to comment about her failure to use DeCourcy's obvious motive for the "battery" claim as exculpatory evidence. **WC6(3).** Accuser's ulterior motive is clearly seen in her illegal letters, for example in **#6, 8(4).** In **WC3(1)** Comp. quoted Finch stating that Williams "requested [of her] that she cross examine the complaining witness regarding the voluminous ex parte communications, which she failed to do." That failure by Finch is a major element of Williams' complaint. Finch is admitting her major failure.

FR2(3-4). Ms. Finch has no idea what she is talking about. *If* she read Case Docket Sheet (DS), **#1,** she would see that the final (third) illegal letter was sent by DeCourcy on 11/28/16, well *after* the 11/02/16 hearing with the "requested additional security," **#5b,*3.** According to the DS there was not a word said about *sealing* the letters at that 11/02/16 hearing. Judge made her decision to seal the letters *after* receiving the third (11/28/16) illegal *ex parte* letter from the alleged "victim." Judge Dent's official letter to Garland DeCourcy, **#I**, reminding her that she was present at the 11/02/16 status hearing, where she was told in open court that she was forbidden to send any more *ex parte* letters to her after the first two, is dated 14 December, nearly six weeks after the 2 November hearing. Dent goes on to say in her official letter to DeCourcy, "I will be [future sense] placing the originals of the correspondence, under seal, in the court file." On the same day of her formal letter to DeCourcy,

12/14/16, was when Dent issued *two* orders to seal *all three* illegal *ex parte* communications.

** NOTE: The first (of 10/06/16) and second (10/18/16) letters together are mistakenly counted by the Court as "*ex parte* communication of 10/6/16" **#1,1, #5b, 5.**

The third, over 10-page illegal *ex parte* letter from the alleged "victim" to Judge Dent Comp. was allowed to quickly read in front of Finch, without discussing together its content. Why Accuser was not held in Contempt of Court for defying Dent's Order to cease sending her private letters is inexplicable to Comp. His theory is that by then Dent had become fearful that DeCourcy would badmouth her as she had done to everyone else in her previous two *ex parte* communications. Just a theory. Williams mentioned the likely fear of DeCourcy's criticism by Dent and her long time comrade Via at **WC1(2).**

With Finch's repeated statements that *only* the third letter was sealed Comp. concludes that Finch failed to read *both* the DC *and* her own Motion to Unseal, including *two* orders to seal. Dent's request for "extra security for safety purposes" shows that the insane accusations made therein about Williams to Judge Dent from Comp's Accuser certainly *were "considered"* and *did have an effect on the judge.*

Finch also wrote in her Motion to Unseal that the Office of Prosecuting Attorney (PA) of PC "sought appointment of a special prosecutor due to allegations contained in the ex parte communications from the complaining witness." **5b, *6**. That's more proof the letters to the judge by the Accuser impacted the course of the prosecution of Comp. Accuser knew the PC PA would not convict Comp. again in CC. Even though the copies of the first two letters were provided to Comp. they were sealed *without objection by Finch* and, conveniently for the Court, sealed documents can not be used as trial evidence.

Mrs. Williams (Lana) does not "consider herself Mr. Williams' paralegal," as Finch claims, nor did Lana "prepare the Complaint" filed against Finch as she claims to believe she did. That is a typical thin-skinned, snarky remark for a professional defense attorney to make. Lana is Comp.'s loving wife and helpmate of 17 years. Truth be known, she helped him with his defense more so than did Finch.

A good thing about the Internet is that laws that used to be known only to attorneys are now easily found online. For example, this is how Williams learned about his rights as a defendant under the

WV Code, Chapter 61, and the ***WV Code of Judicial Conduct*** – rights about which Finch was not interested. Communications with Court Clerks can be accomplished directly by a defendant when his defense attorney is not attentive or responsive to her client. That is how Comp. and his wife, who is also Business Manager of the National Alliance, and a good organizer and researcher, were able to obtain copies of Court Orders that Finch *never* supplied, and the copy of the DS that revealed so much more that Comp. had been entirely in the dark about until *after* he was found guilty on 8/14/18. Comp. was then able to file his own motion with the Court after Finch failed to *properly* file it for him.

Without benefit of a licensed WV appellate attorney – none that were called would take the misdemeanor case -- Lana assisted her husband to file everything *pro se* with the WVSCA in a timely manner. That does *not* mean she prepared this Complaint against Finch, or any other documents.

Lana's first language is Russian. Although she speaks and writes broken English, she was the valedictorian of her high school class, is a graduate of Moscow University and understands English quite well. Despite Finch's statement, **FR2(4),** that Lana "would not necessarily have been a participant in that [November 2, 2018] call," Lana listened on an extension telephone on that call, on nearly every call between her husband and Finch, and on every call when he appeared telephonically for court hearings. That's something a loyal wife does to help her wrongly charged and convicted husband when she knows full well he is being railroaded – probably because he "is an unpopular figure." **FR6(2).**

In her response Finch demonstrated her faulty memory about Comp.'s two cases several times. That's understandable, considering her heavy caseload [by her own admission], her responsibilities as some sort of County Financial Officer and while running for WV State Senate during the course of the three years of representing Comp. However, Mr. and Mrs. Williams remember *everything* about the two cases Finch handled, or rather mishandled, *much* better than she does.

Comp., as Chairman of the NationalAlliance, carefully and truthfully chronicled everything about the convoluted judicial coup attempt by Accuser DeCourcy and her "witnesses" in the "Legal Updates" section of his monthly NA Members BULLETIN, tying together the three civil cases DeCourcy was

behind with her bogus criminal Claim, since they all were related to her coup attempt.

Finch had been very friendly with Lana before becoming corrupted. She welcomed Lana to be a part of all conversations she had with her husband. Later Finch started disliking Lana's participation and comments. After the trial Finch instructed that she will be speaking with Comp. only, but never forbade Lana to listen on an extension telephone. Finch knew Lana was silently listening every time thereafter. Williams wanted his wife as a witness to *everything* involving his case after being convicted of battery.

Lana confirms how many times (including the night before the trial) her husband requested Finch to cross-examine DeCourcy regarding her numerous inflammatory, false accusations in each *ex parte* communication. **WC2(2).** Ms. Finch always "forgot" to correct Comp. by informing him that the illegal exculpatory letters had been sealed and *could not* be used as evidence to impeach his Accuser despite the fact that Williams had them in hand, believing they were in evidence. Fact!

Finch also conveniently “forgot” to provide her client with *every one* of Dent's Orders and the official letter from the judge to Accuser DeCourcy, **#I,** that mentioned *sealing* letters. **WC 2(3), 3(1).** Comp. requested and received these Court documents and the DS, **#1,** directly from the CC Clerk only *after* being found guilty on 8/14/18. Ms. Finch *intentionally* kept her client uninformed for almost two years, **WC 2(4)-3(1),** yet she states: “I believe I communicated with [Comp.] adequately. I do not believe I engaged [in] any misconduct.” **FR6(2).**

FR3(1). "Mr. Williams was permitted to review the *ex parte* in my office." As noted above, Ms. Finch failed to read and notice numerous "battery"-related sentences in the first two illegal *ex parte* letters from DeCourcy, **#6**, not to mention the third one that Comp. “was permitted to review” once, briefly, without discussion, in her office just minutes prior to one of the court appearances. The only thing Comp. recalls from reading through that third, long illegal letter from his Accuser to the judge was something blaming him for the death of Mr. Oljaca's brother, Daniel Oljaca. This is just more unsubstantiated crazy talk, meant to further prejudice the judge against the Accused.

Judge Dent conveniently expected that just the brief scan of his Accuser's over ten-page, single-

spaced *ex parte* letter #3 from DeCourcy by Comp. would be enough "for purposes of preparing for litigation in this case." **#4, 8-9.** The obvious contradiction is that they *could not be used* to prepare for litigation because Dent, unbeknownst to Comp., had sealed them – not just the third, but all three *ex parte* letters. So, though Finch had all three letters in her possession, any alleged discussion with Comp. by her of s*ealed* documents that can not be used as trial evidence "for purposes of litigation" makes no sense whatsoever. Again, Comp. only learned they were sealed *after* he had been convicted.

Dent denied the Motion to Unseal Ex parte Communications, though Comp. certainly should have received the sealed *ex parte* communications "for purposes of preparation [for his appeal to WVSCA]." Though Judge Dent denied Comp.'s Motion to Unseal the three *ex parte* communications, she earlier allowed that his supposed appeal attorney would have access to these exculpatory documents.**# 3, 5.** Comp. had already made clear that he would be representing himself *pro se* going forward and would not be needing the services of another attorney. In fact, during Comp.'s final sentencing Special Prosecutor (SP) Via states "If [the *ex parte* communications] are something that might be necessary [to] affect an appeal or something, maybe. I could understand that." **#4, 5.**

Finch claims the *ex parte* letters were sealed by the Court so that [Comp]"would not publish the document online." **FR3(1)**. If that was the case, it was a pretext to deny Comp. exculpatory evidence. As of this date Comp has had the first two *ex parte* communications in hand for 3 ½ years and has never once published them online. The actual reason given by Judge Dent for sealing the exculpatory *ex parte* is found on **#4, 7,** where she says they was sealed "due to safety concerns because of the nature of the ex parte communications."

There we go again. Whose safety? Under ***§ 61-6-20(3)*** of ***WV Code*** Comp. has the right to face his Accuser and question the outrageous "nature" of the, let's say, "factual inaccuracies" that caused Judge Dent to call the special status hearing on 2 November, 2016, with "extra security for safety reasons."

Comp. feels Finch was disloyal to her client by not insisting that she use Accuser's insane, inflammatory documents to impeach her credibility, which she already knew was a pack of lies against

her client – just like the "battery" claim was a big lie to have Comp. jailed for a year while Accuser and her harebrained "real NA board" would then somehow have the Virginia Court dissolve the NA and they take over its assets. Finch admits talking to Commonwealth of Virginia NA corporate attorney Andrew Bury, at Comp.s request, who most certainly explained to her the abuses of process and frauds that DeCourcy and her co-conspirators had been perpetrating on courts in both WV and VA. **FR5(3).**

Could the special status hearing with extra security have been for the safety of long time PC Prosecutor Simmons who DeCourcy smeared as "corrupt, lazy and senile", **#6, 10,** and who the Court had "DISQUALIFIED," *and* replaced with SP Via for Comp.'s appeal at Accuser's demand? Or could the sealing of Accuser's illegal personal letters to Judge Dent have been for the safety of all the other PC Officers of the Court and Law Enforcement who DeCourcy had badmouthed as "crooked," "incompetent," etc., even claiming they worked for Williams? **#6, 1?** Comp. contends the extra security was called for by Dent to keep everyone "safe" from him, based on the lies his Accuser sent to the Judge that make him out to be a dangerous cross between mass murderers Ted Bundy and John Gotti.

Ms. Finch failed to comment on Dent's attempt to strike DeCourcy's Victim Impact Statement (VIS), **#7,** with very similar unsubstantiated accusations against Williams that were presented in **WC2(3).**

Exhibit **#V** reflects that Williams wanted to get a continuance for the urgent "extra security hearing", **#V, 1,** due to essential reasons. **#V, 2.** He wrote "I would rather be there to face my accuser and be prepared." **#V, 2.** Finch says in **FR2(3**) that "Mr. Williams was informed of the hearing [with just 3-4 days notice] and requested to appear by phone, which benefit I secured for him."

That is a typically misleading statement by Finch: Comp. was quite willing to drive from his home in Tennessee to appear at the special hearing with "extra security for safety reasons" to see what the fuss about "witness tampering" was all about, but needed and was entitled to a continuance. Finch first said: "I can not represent you in your absence in a criminal hearing" and advised Williams to attend that special hearing. **#V, 1.** Nevertheless, instead of requesting a continuance she secured – which was convenient for the court – permission for Comp. to appear by phone. Williams still trusted his

counsel to work in his best interests at that point. Since he had no such experience before, he expected that during the appearance by phone that he would be allowed to say at least a few words in his defense, which he was not. .

FR3(2-3). Finch apparently believes that providing SP Via with essential defense evidence, **#8,** one week prior to the much-postponed 8/14/18 trial, instead of back in December 2016, when Via became SP on the case, was professional of her and in her client's best interest. Williams and Lana had been requesting of Finch to provide Via with Fred Streed's Affidavit numerous times with no success. Despite asking and reminding Finch to call Comp.'s primary witness Fred Streed for two and a half years, she never once called Mr. Streed. Comp. wrote about that and about Finch's failure to use another essential witness, Kevin Strom, in **WC4(2)-5(1) –** also about Finch's refusal to use Deputy Shinaberry, who had arrested Accuser, as a reliable defense witness, **WC10(1).**

It looks like Ms. Finch desired that her client had *no* defense witnesses at all. Since the *fix was in* it would take much less time and effort for the Pocahontas Court to reach its desired outcome. Neither Comp.' testimony **#2, 100-150** at trial, nor Lana's testimony, **#2, 151-159,** were damaging to Comp.'s case, despite Finch's claim to the contrary. **FR3(3).** WV State Trooper Damon Brock was subpoenaed, at Comp.'s strong insistence as a defense witness, and for the short time he testified, **#2, 166,** Brock impeached DeCourcy's testimony. **#2, 41.** However, Brock had been removed as investigator in October 2015 and the battery case handed to PC Sheriff Jonese who never spoke to the Accused, only to Accuser and her "witnesses." Comp. requested numerous times of Finch to secure a copy of the 3 ½-page handwritten statement that Williams had submitted to Brock on 10/31/15, the day he first heard of the 9/30/15 alleged "battery." As usual, Finch repeatedly ignored his persistent request to get that vital document.

Again, Ms. Finch has to cite the trial transcript where exactly Mr. Williams " became very angry" and destroyed his chance to be found not guilty. "My strategy was that this impeachment may have illustrated that Mr. Williams misspoke, but didn't show that he was guilty of battery." That is no

defense strategy! Comp. writes about his alleged impeachment at **WC6(1).** Would it not be the better strategy for the purpose of justice -- since Comp. never "misspoke," and his Accuser lied repeatedly – had Finch from the very beginning used the time-honored defense strategy of *falsus in uno, falsus in omnibus* as her client had instructed her and was paying her to use? **WC8(2).**

FR3(4). There is a "smoking gun" in this paragraph. A dishonest person tends to get trapped in his/her lies sooner or later. Comp. also remembers well that he and Finch "both signed" the *one-page* Motion to Withdraw in Finch's office minutes prior to appearing at first sentencing hearing, 10/10/18. That original Motion no longer exist! It was likely destroyed by Finch after the hearing and redrawn by her for submission to the CC Clerk. Judge Dent asked if Finch and Comp. had both agreed to this and Williams said in open court that "It's mutual," **#3, 6.** As Finch "presented it to the Court," feeling "visibly upset," **FR3(4),** she had waved around the document that had actually been signed by both sides, saying, "We have agreed that I would withdraw." **#3, 5.** That Motion is not the one that is on file**!** Comp. leaves it to the Disciplinary Counsel to decide if a weaselly practice as that is unethical, or not.

On **#3, 6,** Judge Dent granted Finch's Motion to Withdraw, with "So, what I'm going to do today is I'm going to allow, Ms. Finch, your withdraw." Comp. expected at this point that he would be able to represent himself going forward, but, no, Dent, Finch, and Via retreated into Dent's chamber for a private powwow, where Finch says Dent thought Finch "was afraid of [Comp.]," and Via said that Finch "feared a disciplinary complaint." Via's suspicion was correct since I did later file this Complaint against Finch; Dent's suspicion that Finch was afraid of Comp., however, is totally unfounded and shows Dent's irrational bias against Comp. that he is somehow a "woman batterer," despite his consistent, repeated declarations of innocence of that crime. Since Finch had demonstrated her dishonesty with Comp. several times, he questions her version of what was discussed privately in Dent's chamber.

And, frankly, since Dent had granted our mutual Motion for her to to withdraw her representation already, Comp. feels he should have been in that off the record discussion of his fate rather than Finch.

In a shocking reversal of her ruling, after the trio of court officers' had discussed *in camera* their "consultation/communication," Dent returned to the bench, ruling, "I am going to deny the motion to withdraw at this time." **#3, 7.** So, Dent ordered Comp. to remain under control of the court, to be "represented" by Finch, who Comp. had just fired, and who Dent had allegedly expressed just minutes earlier that she suspected that Finch was afraid of Comp.

The CERTIFICATE UPON MOTION TO WITHDRAW, **#II,** that Finch filed with the court on that same day, 10/10/18, certainly *had not* been seen by Comp. prior to the hearing, as she claims it was. Another lie. She drew it up and submitted it for filing *after* the hearing that day. Note that this document is *not* signed and dated as read by Comp. Finch *never* "discussed" any of the eight numbered points in this document to Comp., much less did she "furnish a copy to [him] on the date here written," as she claims in her Certificate. **#II, 1.** Why could she not submit the original Motion, that she had waved around in Court while "feeling visably upset?" Where is that simple Motion to Withdraw? The MOTION TO WITHDRAW document, **#II,** that she filed with the Court is fraudulent!

To repeat: in this fraudulent document she writes, "Counsel further states that this day [10/10/18] has been provided to the client a copy of the attached Certificate Upon Motion to Withdraw, and has further been provided a copy of this Motion, that he understands the reason for the withdrawal, and by his signature to the Proposed Order included herewith has agreed to the withdrawal of the undersigned as her [sic] counsel." A bald-faced lie! She provided nothing of the sort to Comp.

The reason stated in the original motion was Williams' intention to represent himself. As Ms. Finch has been failing to provide Williams with practically *every* Court document, she did not provide him with the stamped copy of her fraudulent Motion to Withdraw, nor a copy of Dent's order denying that motion (until more than five months later, that is, 20 March, 2019). When Williams was preparing his Notice of Appeal (NoA) Lana had to request most of the needed documents directly from the CC Clerk due to Finch's stubborn failure for three weeks to urgently mail Comp.'s file. **WC12(3).** Finch and Via could not decide who was responsible for preparing that order. After Lana's numerous calls to Finch,

Via and the CC Clerk, Finch finally filed the order that was signed by Dent *just one day before NoA was mailed overnight to meet the deadline!* PC Court Officers apparently could not believe that Comp. was actually able to file his appeal to WVSCA *pro se.* What great representation of Finch's client who had been in jail and denied bond to prepare his appeal. The Court and its officers knew full well that Comp. intended to appeal his verdict to WVSCA. **#4, 38.** Dent's order is attached as **#III.**

It can't be emphasized enough that the Motion to Withdraw that the CC Clerk provided to Williams was entirely different, with *only* the signature of Ms. Finch, **#II,** though she claims it had been signed by both parties because the original motion had been! In that fraudulent version is stated that Williams is seeking new representation instead of the actual reason: that he no longer wanted *her* representation. At the first sentencing hearing Finch truthfully stated "He [Comp.] intends to represent himself."**#3, 5.**

Finch claims in **FR3(1)** that at the final sentencing on 12 February, 2019, "Mr. Williams accepted no responsibility and showed disrespect to the Court." It was Finch who "disrespected" Comp., violated their attorney/client privilege, and alarmed Dent, telling her that Comp. was considering filing a complaint against the Court. **WC3(3).** Comp. will *never* accept responsibility for crimes he did not commit. That is why he is appealing his conviction to WVSCA. It is unfortunate that Dent, Via, and Finch – all three – insisted that he "accept responsibility" for the false claim by "incredible" DeCourcy.

Comp. has no idea what Finch means by Williams "showed disrespect to the Court." After searching all three transcripts for his testimony, he found on **#4, 35**, where Dent stated, "My biggest concern is, today, that there's been no responsibility for the crime expressed by you for the crime to which you were found guilty." THE DEFENDANT: "That's right." Could that response by Comp. to Judge Dent's "biggest concern" be where Finch states he "showed disrespect to the Court?" Comp. had already been telling the Court for months since his wrongful conviction that he would be appealing Dent's guilty verdict to the WVSCA. In Comp.'s testimony at final sentencing, **#4, 21-32**, he firmly states, "I know it [the battery] didn't happen. And I'll fight it [the wrongful conviction] to the end." **#4, 24.**

Why in the world would Comp. accept responsibility for the alleged "crime" for which Dent found

him guilty since he had made clear to all that he was appealing her verdict? That's why he turned down all four offers of plea bargains by SP Via and by the PC Prosecutor in MC before him.

Comp.'s "biggest concern" throughout his nearly four year ordeal, caught up with the Pocahontas Court in WV's 11th Judicial District, has been the total lack of his presumption of innocence when there is so much reasonable doubt laying around Court Officers' feet and none wanted to look down to see it.

In **FR4(2)** Comp. sees yet another confirmation that while responding to the Complaint Finch was lazy and did not carefully look through the Complaint and attachments. Comp. submitted Magistrate Broce- Kelley's judgment granting *only* return of the computer and telephone system **#16.** That MC judgment *did not* grant return of keys DeCourcy stole to the 4X4 truck Comp. purchased and for which he had provided the receipt for its purchase. Comp. explained that Ms. Finch failed to object in the MC trial when lying DeCourcy told the bald-faced whopper, under oath, that "the NA board has not authorized me to release any keys [to the NA Chairman]." Finch knew full well that DeCourcy had no connection whatsoever with the NA board of directors, of which Williams was the duly appointed President, Treasurer, and Director after she had talked to NA corporate attorney Andrew Bury. **WC7(1), FR5(3).** Finch could have used DeCourcy's outrageous lies about her having the "real" NA board, and much more, during the CC civil appeal trial, that Comp. did not attend, but she didn't. She didn't even remember that the stolen keys had been removed from Magistrate Kelly's Order that the other stolen items to be returned, thanks to her failure to object.

Finch's sloppiness and forgetfulness – "forgetting" to file a document the Court had ordered – led to her "big" but hollow "victory" before the WVSCA. But her subsequent loss of the MC civil victory on appeal in Dent's Court was a disastrous, inexplicable defeat. Dent dismissed the MC victory because the sloppy claim Finch had originally filed, to quote Dent: "does not plead the essential elements of a legal claim." It "fails to plead facts in support of a claim which would entitle him [Comp.] to relief. **#17; FR4(5); FR5(1-4).** Finch filed the short, sloppy, half-hearted claim against the documented thief that nevertheless easily prevailed in MC, but didn't hold up in CC on some technicality that Finch did

not challenge. Comp., at this point, realized it was more than Finch's laziness and sloppiness and forgetfulness that cause her to lose the civil appeal to his lying Accuser, but that she was working *with* the Court and *against* her client. See **WC 12(1).**

Now, that statement by Finch that "Mr. Williams is an unpopular figure," **FR6(2),** demands an explanation by her. Is it Comp.'s criminal record? There is none. Could it be because the Church, for which he is Trustee --The Cosmotheist Community Church -- which has been registered in WV since 1987 – be why he is unpopular since it is not Christian like her Church? Is it because her former client's opinions and those of his organization, the National Alliance, Inc., are Politically Incorrect since they advocate for the interests of the American White majority? Comp. feels this is why Finch believes he "is an unpopular figure," and why she told him she would not perfect and refile the civil Complaint against DeCourcy because it was a "corporate matter." What a cop-out. *The State of WV vs. Williams* criminal case is in fact a corporate matter since DeCourcy was using the criminal court to try and wrest control of the National Alliance, Inc., from its Chairman with the false battery claim. Fact!

It's Comp.'s dissident opinions that Finch certainly will not "defend to the death" to hold, as she pretends at **FR6(2).** That is why she has decided Comp. " is an unpopular figure."

Comp. contends that Hillary Clinton is an unpopular figure. So what? Finch would be excited to defend Mrs. Clinton, even when obviously guilty of a crime, if asked to do so by her. Finch sported the "Hillary for the White House" bumper sticker on her car well after that unpopular figure was defeated by the equally unpopular figure Donald Trump for President of the U.S. in 2016. That bumper sticker is a statement of Finch's political opinions, but Comp. did not hold her politics against her.

"Free speech is meant to protect unpopular speech. Popular speech, by definition, needs no protection." This well known legal maxim extends to "unpopular figures," as well. For a defense attorney to label her innocent client an "unpopular figure" that she "should not have represented," as Finch has done in her response to her former client's Complaint, should have had her working overtime to defend him against what she knew were false charges by the Accuser she had said " lacked

credibility” in the same response.

FR4(4). Finch *did* tell Comp. that she would stay with her mom on her trip to WVSCA. Whether she did, while traveling to Charleston for her WVSCA appearance or on her return trip is immaterial. Comp. has provided several examples of Finch's faulty memory and dishonesty. “I may have visited my mom after my appearance, but I believe I went straight back to Pocahontas County." One would think Finch would remember how she shared her proud WVSCA victory with her mom on 10/04/17 – whether in person or just by phone. Regardless, much more important points raised by Comp. in his Complaint should have been addressed by Finch, but were ignored by her.

F5(4). Ms. Finch stated that the whole process of preparing Comp.'s file took her "in excess of a full day." To repeat, Williams received his file *three weeks* after his first request for it and several more urgent requests because he needed his file to prepare his NoA by the deadline he was given.**WC12(3).** “ I also needed to retain a copy for purposes of this complaint, which Mr. Williams had threatened.” This is another bald-faced lie by Finch! Comp. had *never* mentioned filing possible complaint against his former counsel, Finch. He came to this idea well after stopping any communications with her. Williams *had* mentioned filing a possible complaint against Judge Dent, however. Finch's unethical informing Dent about her client's possible complaint against the Court was presented in **WC3(3).**

FR5(5). In **WC12(3)** Comp**.** wrote that his outstanding balance for Finch's services was $2,905.50. Ms. Finch responded that the amount Comp. owes her is $2,250.50 and she submitted the invoice of 8/24/18 as her evidence. Comp. is attaching three later bills from Ms. Finch, **#IV,** to demonstrate how sloppy Finch is in keeping her records *and* reading the formal complaint against her to the ODC.

FR6(2). “I do not believe I engaged any misconduct. I believe that this is evidenced by the fact that [Williams] chose for my representation to continue until he was adjudged guilty.” Finch is either openly

lying or playing dumb. Comp. completely lost his confidence and trust in her after obtaining the DS on 08/29/18. He fired her after that, but was *ordered* by Dent to be represented by her despite her being

fired. Comp.'s reasons to distrust his dishonest, corrupted counsel first started after her advising him to appear telephonically at the hearing when Dent dismissed Broce-Kelley's ruling and Finch conveniently had turned her microphone off. **WC12(1).** She had told Williams that it was unnecessary for him to attend that appeal hearing "because there is no way in hell the judge will grant DeCourcy's Motion to Dismiss [Magistrate Kelley's Order.]" **WC11(3).**

Unlike Finch's short and sloppy response demonstrating that she does not have much to say in objection, Williams' Additional Comments here amount to 18 pages. Comp. had hoped that his detailed arguments with the citations would be helpful to ODC and sufficient.

Ms. Frymyer stated " If appropriate , I will also conduct an independent investigation." Even though such investigation will only be into about whether or not attorney Finch has violated the Rules of Professional Conduct, just the word "investigation" excites Comp. since during close to four years ordeal to date there has never been a proper investigation into the claim that Comp. committed a "battery" on West Virginia's claiming witness DeCourcy. Finch even argued that in the beginning of her representation of her client.

Ms. Finch could have forced an investigation that would likely have led to dropping the frivolous "battery" case by the State, but she failed to do so. **WC2(2), 4(2-4), 5(3), 6(3), 8(3).**

Comp. strongly believes that as an out of state, alleged "unpopular figure" with unpopular opinions, heading an unpopular organization, his guilt was determined early on, then the Court, including his counsel Finch, went through the motions of having a trial to show his guilt; a show trial, a political show trial. Perhaps this lack of due process has been due to the named officers' fear of the Accuser's criticism in her outrageous *ex parte* communications**?** Who knows? Either way, justice was not served.

Comp. believes he has provided more than enough evidence that Finch's representation of him was not only lazy, sloppy and ineffective, but that at some point she began *intentionally* working for the Court and against the interests of her client. A serious charge, but not the first time a defense counsel has worked with the State rather that for her innocent client.

IV

Laura M. Finch, Attorney at Law

laurafinch@outlook.com
O: 304-799-7388

INVOICE

Number	157
Issue Date	2/7/2019
Due Date	3/9/2019
Email	[redacted]

Bill To:

Will Williams

Time Entries

Time Entry	Billed By	Rate	Hours	Sub
Appear for/attend 10/4/2018	Laura Finch	$150.00	0.70	$105.00
Communicate (with client) 12/3/2018 Motions prep, discuss with client	Laura Finch	$150.00	1.00	$150.00
Draft/revise 12/31/2018	Laura Finch	$150.00	1.00	$150.00
Communicate (with client) 1/22/2019 Order continuing	Laura Finch	$150.00	0.30	$45.00
Communicate (with client) 2/1/2019 Email client	Laura Finch	$150.00	0.40	$60.00
Draft/revise 2/7/2019	Laura Finch	$150.00	1.00	$150.00
		Time Entries Total	**4.40**	**$660.00**

Total (USD)	$660.00
Paid	$0.00
Balance	$660.00
I-83 Previous Balance	$2,020.50
Total Outstanding	$2,680.50

Laura M. Finch, Attorney at Law

laurafinch@outlook.com
O: 304-799-7388

INVOICE

Number	174
Issue Date	2/26/2019
Due Date	2/26/2019
Email	[redacted]

Bill To:

Will Williams

Time Entries

Time Entry	Billed By	Rate	Hours	Sub
Appear for/attend 2/12/2019 Conference/hearing	Laura Finch	$150.00	1.50	$225.00
		Time Entries Total	**1.50**	**$225.00**

Total (USD)	$225.00
Paid	$0.00
Balance	$225.00
I-83 Previous Balance	$2,020.50
I-157 Previous Balance	$660.00
Total Outstanding	$2,905.50

Laura M. Finch, Attorney at Law

820 Tenth Ave.
Marlinton, WV 24954
laurafinch@outlook.com
O: 304-799-7388

INVOICE

Number	194
Issue Date	3/14/2019
Due Date	4/13/2019
Email	[redacted]

Bill To:

Will Williams

Expenses

Expense	Billed By	Price	Qty	Sub
Postage		$17.40	1.00	$17.40
		Expenses Total:	**1.00**	**$17.40**

Total (USD)	$17.40
Payment 1319 3/29/2019	$-17.40
Balance	**$0.00**
I-83 Previous Balance	$2,020.50
I-157 Previous Balance	$660.00
I-174 Previous Balance	$225.00
Total Outstanding	**$2,905.50**

On Thu, Feb 7, 2019 at 1:05 PM Laura Finch <XXX@outlook.com> wrote:

> Hi Will, I was looking back to see what happened around the time of the extra security hearing. This is a string of emails where you asked if I could request a continuance of that hearing, unless it was alright for me to represent you in your absence. I said, I can't represent you in your absence and I think it would be best to go ahead and see what this is all about. I think we must have discussed it on the telephone afterwards, and I obtained permission for you to appear by phone. Just wanted to clarify that. Thanks, Laura
>
> **From:** Will Williams <XXXwhite@gmail.com>
> **Sent:** Monday, October 31, 2016 10:25 AM
> **To:** Laura Finch <XXX@outlook.com>
> **Subject:** Re: Email string with Oljaca and time line of correspondence
>
> I'll wait to hear your assessment of this mess later today, but will prepare to somehow be up there Wednesday.
>
> That's the first I've heard of the pre-trial hearing on Wednesday. What time is that scheduled for? I recall being told that *Oljaca vs. NA, NVB, CCC and WWW* was in default for Kris Faerber's failure to respond to something, or was it for Paul Detch's failure to respond to something? Regardless, it's clear that Faerber's client expressed to me that he "regretted filing the civil suit, did not know what he was doing," and wanted to drop the case six weeks ago to "be done with the nightmare" Corse and DeMarais dragged him into. Who does Faerber represent, poor Michael Oljaca or the couple that paid him, DeMarais and Corse?
>
> Thank you for whatever you can do.
>
> Will

On Sun, Oct 30, 2016 at 8:05 PM, Laura Finch <XXX@outlook.com> wrote:

> I cannot represent you in your absence in a criminal hearing, but I think it would be best to go ahead and come and see what this is all about. I will see what I can find out and let you know tomorrow. I could be jumping to conclusions based on Kris's statement to me. I don't believe you are to be charged and if that's true it would be better to come and explain what your (innocent) intention was. They probably schedule it then because the lawsuit is scheduled for pretrial then.
>
> Sent from my iPhone
>
> On Oct 30, 2016, at 7:29 PM, "Will Williams" <XXXwhite@gmail.com> wrote:
>
> > Laura, I only had time to get all of these emails together in some semblance of order now. Lana returned from Russia early this morning and I've been tied up with the usual end of month deadlines all weekend without her.
> >
> > I would like to ask for a continuance of this Wednesday hearing. I'm two states away and was not given sufficient notice to appear or to prepare a defense if I'm to be charged with

witness tampering, a possible felony as I read it: http://www.criminaldefenselawyer.com/intimidatingAwitness.cfm# . I should be entitled to a continuance unless you think it's all right for you to represent me in my absence. I would rather be ther to face my accuser and be prepared. We don't want to disappoint all that extra security Judge Dent seems to think she needs. Maybe Janelle told her, "That Will Williams is dangerous."

Neither you nor Andy considered that I was tampering with a witness when I'd informed you that Michael had contacted me FIRST, saying he wanted to drop the civil suit and end his nightmare. You both told me that was good news. It was 10 days later when someone had gotten to Michael, changed his mind and has him threatening me if I don't get rid of David Pringle so Garland and Bob and he have free run of Alliance property again. What an absurd demand.. I never asked to talk to Michael.

Usually whenever someone tampers with a witness he doesn't wait for that witness to contact him first and essentially entrap him by responding to an email, therefore "communicating with the witness." A reasonable person reading the email string below should be able to see exactly how Faerber, or Garland, or Bob, or whoever, contrived this "witness tampering" accusation against me, if that's what it is.

One good thing about these emails between Michael and me is that the coup by Garland and crew, including Michael, is finally brought before the court. It's not about an "assault," but their attempt to keep me off the property so they could plot to take it over. Maybe they can't conceive of such a devious plot by such a sweet, innocent "victim" as Garland. She's got McMillion and Jonese snowed like she had Wilfong snowed with her injured innocence routine.

I've listed all of the emails below at the bottom. Perhaps that will help you.

For context on how this started, the first email exchange up top is between me and Michael Oljaca's brother, Daniel Oljaca. Daniel's reply to me is on 3 September, the day before Michael wrote to me first, below that, on 4 September. It's obvious in this exchange that not only is Michael's family worried about Michael, but that I am, too.

Everything I'm writing to you today is in blue. What's in red are my responses to Michael, interspersed with his entire emails to me. Nothing is missing that I can tell. The emphasis in **bold large letters** is added by me for your attention.

Will

COPY

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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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

April 22, 2020

Laura Megan Finch, Esquire
820 Tenth Ave
Marlington, WV 24954

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

Dear Ms. Finch:

Enclosed please find a copy of Mr. Williams's reply to your response to his ethics complaint. Please provide any comments you may have regarding the same, in writing, within twenty (20) days of your receipt of this letter.

Thank you for your cooperation.

Sincerely,

Renee N. Frymyer
Lawyer Disciplinary Counsel

RNF/amw

Enclosure

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

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

December 15, 2020

Mr. William W. Williams
[redacted]
Mountain City, TN 37683

Re: ***Complaint against Laura Megan Finch, Esquire***
I.D. No. 20-02-065

Dear Mr. Williams:

Enclosed please find a copy of the Investigative Panel Findings and Conclusions with respect to your complaint against the above-referenced attorney. This matter has been investigated by this office and was reviewed by the Investigative Panel of the Lawyer Disciplinary Board at its December 15, 2020 meeting. The Panel determined that further action is not warranted, and your complaint has been dismissed.

Thank you for bringing this matter to the attention of the Lawyer Disciplinary Board.

Sincerely,

Renee N. Frymyer
Lawyer Disciplinary Counsel

RNF/amw

Enclosure

cc: Laura Megan Finch, Esquire (w/enc.)

LAWYER DISCIPLINARY BOARD
INVESTIGATIVE PANEL CLOSING

I.D. No.: 20-02-065 **Date Complaint Received:** February 2, 2020

COMPLAINANT: William W. Williams
[redacted]
Mountain City, Tennessee 37683

RESPONDENT: Laura M. Finch, Esquire **Bar No.:** 12094
820 Tenth Avenue
Marlinton, West Virginia 24954

THE INVESTIGATION OF THIS MATTER having been completed and a report having been made to the Investigative Panel of the Lawyer Disciplinary Board, the Panel orders that this complaint be closed for the following reasons:

STATEMENT OF FACTS

Complainant William W. Williams filed this complaint against Respondent Laura M. Finch, Esquire, a licensed member of the West Virginia State Bar.

Complainant stated that he hired Respondent following his March 28, 2016 conviction of misdemeanor battery in the Pocahontas County Magistrate Court. Complainant attributed this conviction to the alleged victim being a "scam artist" and to having a biased Magistrate. Complainant believed he was targeted by the alleged victim in an attempt to oust him as the Chairman of National Alliance Inc., and to keep him off of property in West Virginia.

Respondent represented Complainant in the appeal of the matter to Circuit Court and in other related matters. Complainant said that Respondent initially appeared confident and easily won the case involving his alleged violation of a Temporary Restraining Order ("TRO"). However, Complainant believed that Respondent's attitude changed after the alleged victim sent three *ex parte* letters to the Circuit Court Judge. Complainant desired to use the letters as exhibits to impeach the alleged victim's impropriety and truthfulness, as he claimed they were full of misinformation, but he was informed by Respondent that there would be no point to use "exculpatory communications." Complainant later learned that the letters had been sealed and he believed Respondent intentionally misled and kept information from him regarding these documents. Complainant believed that using the letters as evidence in the appeal would have led to his acquittal. Complainant said he was instead found guilty following the August 14, 2018 Circuit Court bench trial.

Respondent subsequently filed a Motion to Unseal in which Complainant said she admitted failing to object to the sealing of the *ex parte* letters and confirmed that Complainant had requested that Respondent cross-examine the alleged victim regarding the "voluminous *ex parte* communications, which she failed to do." Complainant also alleged that Respondent had failed to provide him with numerous important documents during her representation and revealed confidential information to the judge that Complainant was considering filing an ethics complaint against her. Prior to the sentencing hearing, Complainant asked that Respondent be relieved as counsel and that

he represent himself going forward. Complainant said that Respondent's withdrawal was denied after the judge met privately with Respondent and the prosecutor in her chambers.

Complainant further alleged that Respondent ignored his requests to call certain witnesses or to request the same from the prosecutor, failed to make appropriate objections to the State's evidence or introduce exculpatory evidence, and failed to make effective arguments in her closing argument and Motion for a New Trial. Complainant said that despite sending her "nearly 100 long emails," most were unacknowledged by Respondent. Complainant believed that Respondent was working against him, and he said that he had to file his own amended motions because Respondent had failed to address certain post-trial issues.

Complainant acknowledged that Respondent "easily prevailed" in a civil case regarding alleged theft from him in the Magistrate Court but said that she had failed to raise appropriate objections that had been requested by Complainant and, due to her "failures," issues were limited and ultimately dismissed in the appeal. Complainant alleged that Respondent had failed to file a timely response in the civil case, giving the "litigious" alleged victim additional grounds for filings. Finally, Complainant alleged that Respondent refused to send him his file, despite his requests to do so, until three days before the deadline to file a Notice of Appeal with the Supreme Court claiming unpaid fees.

In her response, Respondent stated that she represented Complainant in four matters, and she asserted that in at least two of the four matters, favorable outcomes were obtained. With respect to Complainant's Magistrate Court conviction, Respondent said

that Complainant stood convicted but that his sentence was reduced to a fraction of that originally imposed.

Respondent stated that she first represented Complainant in relation to a criminal complaint alleging that Complainant had violated a Personal Safety Protective Order. Complainant said that they obtained a favorable result in that case on a Motion for Judgment as a Matter of Law. Respondent said that she did find the alleged victim to lack credibility and that she enjoyed cross-examining her. Respondent also stated that she entered an appearance for Complainant in a civil matter captioned *Michael Oljaca v. William W. Williams, et al.*, 16-C-12 wherein the plaintiff was seeking damages for personal injury. This matter was ultimately dismissed by the plaintiff whose counsel indicated that he no longer wished to pursue the matter. Respondent stated that it later appeared that Complainant had directed Mr. Oljaca to dismiss the lawsuit based upon an email which indicated that Respondent had threated Mr. Oljaca to secure his dismissal of the civil action and his later non-appearance.

Respondent asserted that she represented Complainant in a direct appeal to the Circuit Court following his conviction in the Magistrate Court of Pocahontas County for battery of Garland DeCourcy. Because she believed Ms. DeCourcy lacked credibility, Respondent said that she did not take the contents of *ex parte* letters she sent to the Judge to be generally true nor did they persuade her of the guilt of her client or cause her to be disloyal to Complainant in any fashion. Respondent stated that the letters were not relevant for the matter at trial, and never addressed by the parties, aside from the Court reprimanding Ms. DeCourcy for sending such and stating that they would not be

considered by the Court. Complainant denied that not bringing these letters up at trial indicated a lack of diligence reiterating that they were not relevant to whether Respondent had committed a battery.

Respondent stated that upon the Court's receipt of the final *ex parte* communication from Ms. DeCourcy, the Court scheduled a hearing. At that hearing, Respondent said that the Court informed her that she would receive a copy of the communications and that she should not share it with Complainant, unless deemed appropriate, due to safety concerns. Respondent stated that there were two letters that were not sealed, and a final letter that was sealed. Respondent said that Complainant was aware of such because he appeared at the hearing via telephone. She also said that she did not have a record of when she provided Complainant with the unsealed letters but recalled that he was permitted to review them in her office but not have a copy. She said that because she had been informed by the Court that they would not be considered at trial, Respondent was not concerned with the communications.

With regard to witnesses called at the trial, Respondent disputed unethical conduct stating that she called witnesses material to the facts in issue and witnesses not called were either not disclosed to her in advance or not material to the facts. Respondent said that despite discouraging Complainant to testify, he testified and presented demeanor which Respondent believed was damaging to his case. She also said that he was impeached several times during his testimony. In fact, Respondent said that until Complainant's testimony at the trial, she believed him to be innocent of the battery of Ms. DeCourcy, despite the inconsistencies of her testimony. At sentencing, Respondent

said that Complainant accepted no responsibility and showed disrespect to the Court. Respondent said that he was sentenced to serve eighteen days in jail and served approximately eight days before his release for good time credit. Complainant had been originally sentenced to serve six months by the Magistrate Court.

Respondent also represented Complainant in a matter against Ms. DeCourcy wherein the Magistrate granted judgment in Complainant's favor for the return of a telephone system, a computer, and a set of keys to an automobile. Shortly following Ms. DeCourcy's appeal of this judgment, Respondent said that 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. Respondent said that their position was that Complainant had testified, but opposing counsel argued that he had not been sworn in. The Circuit Court ruled that new witness testimony would be allowable in the trial.

Respondent stated that opposing counsel filed a Petition for Writ of Mandamus, seeking an order prohibiting Judge Dent from allowing new witness testimony in the trial, and that she was called to appear before the Supreme Court at oral argument. Respondent said that 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 permitted or prohibited. Respondent stated that the Supreme Court ruled in their favor and issued a published opinion. Respondent said that the case was ultimately dismissed by the Circuit Court not on the merits of the case, but that Complainant would need to file a new civil action naming the specific value of

the items. Respondent said she did not represent Complainant further in this matter but continued as his attorney in the criminal matter for many additional months.

Respondent denied that she failed to timely produce his file, stating that it took approximately three weeks to copy the voluminous file, print all the electronic records, organize it and prepare for transfer. She stated that her total billing for her multiple representations of Complainant was $8,125.50, of which $2,250.50 remains outstanding. Respondent denied that she violated any of the Rules of Professional Conduct in her representation of Complainant.

In reply, Complainant disputed that he ultimately received a "favorable" sentence in the criminal matter, pointing to serving time and probation, as well as "anger management" classes for a first offense crime. He disputed that he was not respectful to the Circuit Court Judge at his sentencing but agreed that he did not take responsibility for a crime he said he did not commit. Complainant also disputed other contentions of Respondent in her response, including that he had persuaded Mr. Oljaca to drop a case against him. Complainant disputed that the *ex parte* letters sent to the Circuit Court Judge here not exculpatory or relevant. Complainant reiterated the allegations raised in his complaint regarding the dissatisfaction with the representation of Respondent and the corruption involving in his conviction. Complainant also reiterated his belief that Respondent had been intentionally working for the Court and against the interests of Complainant.

REASON CLOSED

Complainant is clearly dissatisfied with Respondent's representation. However,

such dissatisfaction alone does not constitute a violation of the Rules of Professional Conduct. Under Rule 2.1 of the Rules of Professional Conduct, a lawyer is permitted to exercise independent professional judgment. Therefore, Respondent can make decisions regarding legal strategy, such as which defenses to raise, motions to file, or witnesses to call, based upon her knowledge of the law and other considerations. Reasonable decisions regarding legal strategy do not constitute a violation of the Rules of Professional Conduct. In addition, while a lawyer must generally abide by a client's decisions regarding the objectives of the representation, such as whether to accept or reject a plea offer or to testify at trial, Rule 1.2 of the Rules of Professional Conduct provides that the ultimate means to pursue those objectives are to be determined by the lawyer.

In this forum, a violation of the Rules of Professional Conduct must ultimately be proven by clear and convincing evidence. After investigation, it has been determined that the evidence does not establish that Respondent violated the Rules of Professional Conduct. Complainant's allegations that Respondent provided him with ineffective assistance of counsel involve questions of fact and issues of law which should be addressed by a Court in appropriate post-conviction proceedings, not the Lawyer Disciplinary Board. As no further action on this complaint is warranted, the matter is closed.

CLOSING ORDERED on the 15th day of December, 2020, and **ENTERED** this the 15th day of December, 2020.

Amy C. Crossan, Chairperson
Investigative Panel
Lawyer Disciplinary Board

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