

IN THE MAGISTRATE COURT OF POCAHONTAS COUNTY, WEST VIRGINIA

Out of County Waiver

State of West Virginia

Cass No. 15-M38M-00687

v.

William White Williams II

XXX-XX-XXXX

05/08/1947

Defendant (Full Name)

Social Security Number

Date of Birth

105 Raccon Ravine Rd

TN 107311432

Address

Driver's License / Identification Number

Mountain City, TN 37683

XXXXXXXXXX

City, State, & Zip Code

Phone Number(s)

INITIAL APPEARANCE: RIGHTS STATEMENT

Mag. Ct. Criminal Procedure Rule 5 (5.1 and 5.2 if applicable)

A. GENERAL: EITHER MISDEMEANOR OR FELONY OR BOTH

- 1. The magistrate has informed me that I am not required to make a statement, and that any statement I do make may be used against me.
- 2. The magistrate has informed me that I am charged with the Misdemeanor Felony Offense(s) of §61-2-9(c) Battery

and that, if I am later found guilty or plead guilty, the possible penalties are (mandatory minimum penalty, if any, and maximum penalty) shall be confined in jail for not more than twelve months, or fined not more than \$500, or both fined and confined.

- 3. The magistrate has informed me that I have the right to be represented by an attorney at every stage of the proceeding. If the statutory offense provides for a possible jail sentence, and if I cannot afford to hire an attorney and I meet the financial guidelines, an attorney will be appointed to represent me. I understand this right, and further understand that if I decide to represent myself, I cannot later claim that I was deprived of my right to be represented by an attorney.

DEFENDANT MUST INITIAL ONE OF THE FOLLOWING:

- (a) I give up my right to have an attorney represent me.
- (b) I want to hire an attorney to represent me.
- (c) I want an attorney appointed to represent me. I understand that if I am found guilty, I may be required to reimburse the State for attorney fees even if a court-appointed or public defender attorney is approved to represent me.

12/16/2015

Date

William White Williams II
Defendant's Signature

Case No. 15-M38M-00687

4. The magistrate has informed me that I have been charged with an offense for which the penalty is life imprisonment, and bail must be set by the circuit court.

5. The magistrate has informed me that I may be released from custody while awaiting further proceedings on the charge(s) stated above if I am able to make bail as follows: \$1,000.00

Cash Recognizance: (Personal 10% Cash Bond and 90% Property (Real Estate) Surety Company/Bail Bondsperson).

If real property is used as security, a justification of surety IS or IS NOT required.

6. The magistrate has informed me that I will be given reasonable time and opportunity to talk with an attorney or some other person for the purpose of obtaining counsel or for arranging bail.

B. MISDEMEANOR CHARGE(S) ONLY

1. The magistrate has informed me that I have a right to plead not guilty, a right to a trial by jury or by a magistrate without a jury, and that if I plead guilty or no contest, I give up my right to a trial.

2. The magistrate has informed me that I have the right to demand a jury trial and, if I want a jury trial, I must let the magistrate court know in writing no later than twenty (20) days from the date of this initial appearance, or if I receive court-appointed counsel, twenty (20) days from the date an attorney is appointed. The magistrate has further informed me that if I demand a jury trial, I may not withdraw my demand for a jury trial if the prosecuting attorney objects to the withdrawal. If I do not demand a jury trial within the twenty-day period, I have also been informed that I give up my right to a jury trial. The magistrate will try my case without a jury, and an appeal of a magistrate court conviction will not entitle me to a jury trial in circuit court. I understand if I have a jury, the jury fee will be assessed against me if I am convicted.

3. (if applicable) The magistrate has informed me that if I have been charged with First Offense Driving Under the Influence of Alcohol in violation of *W. Va. Code § 17C-5-2(d)(1)(A)*, I may be eligible for the DUI Deferral Program. I understand that I have thirty (30) days from the date of my arrest to request to participate in the program as set out in *W. Va. Code § 17C-5-2b*.

4. (if applicable) The magistrate has informed me that it SHALL be unlawful for me to have/possess/own or purchase a firearm, including a handgun or long gun, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(9) if I am convicted of a domestic violence offense such as assault, battery, domestic assault, domestic battery, malicious wounding/assault, unlawful wounding/assault, or any attempt to commit a domestic violence offense involving the use of physical force or threatened use of a deadly weapon; and I am a current or former spouse, current or former intimate partner, parent or guardian of the victim, or have a child in common with the victim, or I am or was involved in another similar relationship with the victim, or currently or formerly cohabited with the victim.

I understand that if I have any questions regarding whether or not this law makes it illegal for me to ship, transport, purchase, or possess a firearm or ammunition, I may consult an attorney.

12/16/2015

Date

Defendant's Signature

Case No. 15-M38M-00687

C. FELONY CHARGE(S) ONLY

The magistrate has informed me that

- 1. if I have been charged with a felony offense for which the penalty is life imprisonment, only the circuit court may set and grant bail;
- 2. I have the right to a preliminary hearing to determine whether or not any felony charge(s) should be bound over for possible presentation to a grand jury;
- 3. the preliminary hearing shall be held within ten (10) days of my initial appearance if I am in custody, or within twenty (20) days of my initial appearance if I am not in custody (*W. Va. Code § 62-1-8*).

DEFENDANT MUST INITIAL ONE OF THE FOLLOWING THREE CHOICES:

- (a) I want a preliminary hearing.
- (b) I give up my right to a preliminary hearing.
- (c) I, or my attorney, will inform the court whether I want a preliminary hearing.

12/16/2015

Date



Defendant's Signature

I have informed the defendant of the matters set out above. I find that any waiver of rights herein is made knowingly and voluntarily by the defendant.

 (initial if applicable) I certify that the defendant refused to initial and/or sign this document at the appropriate places.

12/16/2015

Date



Magistrate's Signature

IN THE MAGISTRATE COURT OF POCAHONTAS COUNTY, WEST VIRGINIA

Out-of-County Warrant:

State of West Virginia

Case No.: 15-M38M-00687

v.

William White Williams II

05/08/1947

Defendant (Full Name)

Social Security Number

Date of Birth

105 Raccoon Ravine Rd

TN 107311432

Address

Driver's License / Identification Number

Mountain City, TN 37683

City, State, & Zip Code

Phone Number(s)

CRIMINAL BAIL AGREEMENT: CASH OR RECOGNIZANCE

WV Code: Cash Bond [§ 62-1C-12], P.R. [§ 62-1C-1a and 4], 10% Cash Bond [Trial Ct. Rule 31.01], Surety Company [§ 62-1C-4]

A. AMOUNT OF BAIL: The defendant having been charged with the Misdemeanor Felony Offense of §61-2-9(c) Battery

and having a right to bail, this Court hereby sets bail for the defendant as follows: \$1,000.00

Cash Recognizance: (Personal 10% Cash Bond and 90%

Property (Real Estate) Surety Company/Bail Bondsman).

If real property is used as security, a justification of surety IS or IS NOT required.

B. TERMS AND CONDITIONS FOR RELEASE ON BAIL

If admitted to bail, the defendant understands and agrees

- 1. to be present in person in the Magistrate Court of Pocahontas County on the _____ day of _____, 20____, at _____ a.m. / p.m., or to be set as specified in a Notice of Hearing that will be mailed to the above address;
- 2. to be present in person at any other proceeding(s) concerning the above charge(s) and to obey any notice, process, or order issued by this Court, or the Circuit Court, until either Court has disposed of all matters with respect to the bail granted;
- 3. to appear and begin serving jail or prison time as ordered by the disposing Court if that Court renders a judgment of guilt on the offense(s) charged and imposes a penalty of incarceration;
- 4. to inform the Court immediately of any change of name, address, or telephone number;
- 5. may may not leave the State of West Virginia without written approval by this Court;
- 6. not to violate any state or federal laws;
- 7. to have no direct or indirect physical or verbal contact with _____ Sec #8 _____ in this matter; alleged victim(s)
- 8. to comply with the following additional condition(s) of this bail: to have no direct or indirect physical or verbal contact by Internet, email, social media, phone, text, or by any third party by methods listed with Garland DeCourcy and Michael Oljaca in this matter.

The defendant also understands and agrees that, if he or she is admitted to bail and does not fulfill the terms and conditions above, the full bail amount is subject to forfeiture and may be increased; that other penalties for violation of such terms and conditions may be imposed; and that, if the defendant fulfills the terms above, the surety will be released and the cash deposit returned, if appropriate, or the recognizance satisfied.

12/16/2015

Date

William White Williams II
Defendant's Signature

12/16/2015

Date

Carrie E. Wijaya
Magistrate's Signature

Case No.: 15-M38M-00687

C. CONSENT TO APPLY DEPOSIT:

By signing below, I acknowledge that bail I have posted or secured may be subject to forfeiture if the defendant willfully fails to appear.

I agree or do not agree that the funds I have deposited may be used to cover court costs, fees, and fines if the Court renders a judgment of guilt against the defendant or the payment of court costs, fees, and fines are otherwise lawfully required.

Other Depositor or Surety Information:

Depositor / Surety (Full Name)

Address

Phone Number(s)

City, State, & Zip Code

XXX-XX-
Social Security Number

12/16/2015

Date

Other Depositor or Surety Signature(s), if any

Other Depositor or Surety Signature(s), if any

D. ADMISSION TO BAIL

Accordingly, the Court hereby approves bond for the defendant and ORDERS the defendant's continued freedom or release from custody.

Acknowledged before me this _____

(Date and Time)

Magistrate's Signature

12/16/2015

Date

William J. Wilson
Defendant's Signature

IN THE MAGISTRATE COURT OF POCAHONTAS COUNTY, WEST VIRGINIA

Out-of-County Warrant:

State of West Virginia

Case No.: 15-M38M-00687

v.

William White Williams II

Defendant (Full Name)

Misdemeanor / Felony

[REDACTED] 05/08/1947
Social Security Number Date of Birth

JAIL COMMITMENT ORDER

WV Code: Cash Bond [§ 62-1C-12], P.R. [§ 62-1C-1a and 4], 10% Cash Bond [Trial Ct. Rule 31.01], Surety Company [§ 62-1C-4]

The Court hereby ORDERS commitment of the defendant to the custody of the county/regional jail for the following charges: §61-2-9(c) Battery

Until \$1,000.00 bail is posted. Cash Recognizance: (Personal Property [Real Estate] 10% Cash Bond and 90% Surety Company/Bail Bondsperson).

To await Court action. Hearing date: _____

For a period of _____, as sentenced upon conviction.

Release Date and Time: _____ at _____ a.m. / p.m. No Credit for time served.

To self-report to _____ on _____ at _____ a.m. / p.m.

Other (specify): _____

12/16/2015 2:23 PM
(Date) (Time)

Carrie E. Weisong
Magistrate's Signature

Received and executed by

Officer Taking Custody / Jail Officer (Date) (Time)

JAIL RELEASE ORDER

The Court hereby ORDERS release of the defendant from the custody of the county/regional jail for the following reason:

Bail has been posted. Hearing date: _____

Charge(s) has/have been dismissed as to Case No.(s). _____

The defendant has discharged the sentence imposed by the Court.

To be released to _____ on _____ at _____ a.m. / p.m.

Other (specify): _____

(Date) (Time) Magistrate's Signature

Received and executed by

Jail Officer (Date) (Time)

IN THE MAGISTRATE COURT OF Pocahontas COUNTY, WEST VIRGINIA

WARRANT FOR ARREST

State of West Virginia

v.

Case No(s). 15-m38m-00687

William White Williams II
Defendant
105 Raccoon Ravine Rd Mountain City TN 37683
Address

61-2-9(c) Battery

To Any Law Enforcement Officer:

WHEREAS this court has found probable cause to believe that the defendant, William White Williams II did commit an offense or offenses in this County on the 30th day of September, 2015 previous to the issuance of this Warrant, by unlawfully [State statutory language of offense(s)] Any person who unlawfully and intentionally makes physical contact force of an insulting or provoking nature with the person of another or unlawfully and intentionally causes physical harm to another person.

against the peace and dignity of the State.

Therefore, you are commanded in the name of the State of West Virginia to apprehend the above-named defendant and bring that person before any magistrate in this County, to be dealt with in relation to the charge(s) according to law. This arrest warrant is to be executed in the following manner (check one):

- Forthwith
- Between the hours of 9 a.m. and 4 p.m., Monday through Friday
- Other (as specified): OFFICER'S DISCRETION

Given under my hand this 16th day of December, 2015

Carrie Wilgong
Magistrate

Executed by: Deputy Bill Kelly in Pocahontas

County, W. Va., on 12/16/15
(Date)

RETURN

<input type="checkbox"/>	Return
<input type="checkbox"/>	Defendant
<input type="checkbox"/>	File
<input type="checkbox"/>	Prosecutor

IN THE MAGISTRATE COURT OF Pocahontas COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

v.

William White Williams II

Case No. 15-M38M-00687

Defendant

105 Raccoon Ravine Rd Mountain City TN 376838

Address

05 / 08 / 47

TN -107311432

Date of Birth

Driver's License No.

Optional Information:

SSN:

- Misdemeanor
Felony

CRIMINAL COMPLAINT

I, the undersigned complainant, upon my oath or affirmation, state the following is true and correct to the best of my knowledge and belief. On or about 09 / 30 / 15 in Pocahontas County, West Virginia, in violation of W.Va. Code (cite specific section, subsection, and/or subdivision as applicable) 61-2-9(c) Battery the defendant did (state statutory language of offense)

Any person who unlawfully and intentionally makes physical contact force of an insulting or provoking nature with the person of another or unlawfully and intentionally causes physical harm to another person.

I further state that this complaint is based on the following facts: See Attached

The defendant is/has:

- The victim's spouse or ex-spouse
A parent or guardian of the victim
A child in common with the victim
Living with the victim or had lived with the victim
A person who may be classified as a spouse, parent or guardian to the victim
None of the above connections to the victim

Continued on attached sheet? [X] yes [] no

Complainant (who appears before magistrate):

B. L. Kelly
Name

900 Jail Lane Marlinton WV 24954
Address

(304) 799 - 4445
Telephone

Deputy Sheriff

Office or title, if any

Complainant Signature

On this complaint, sworn or affirmed before me and signed this date by complainant in my presence, the item(s) checked below apply:

- Probable cause found
Summons issued
Warrant issued
Warrantless arrest
No probable cause found

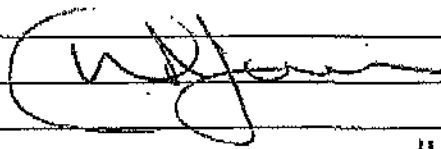
Carrie E. Weisong
Magistrate Signature

December 16, 2015
Date

Table with 2 columns: Return, Defendant, File, Complainant, Prosecutor

(Criminal Complaint Continued)

On 12-02-15 I Deputy B.L. Kelly along with Sheriff Jonese spoke with Garland E DeCourcy about an incident that took place on 09-30-2015 in Mill Point which is located in Pocahontas County WV. Ms. DeCourcy stated that she worked for the National Alliance located in Mill Point and worked for William White Williams II. Ms. DeCourcy stated that on 09-30-15 she entered her office in Mill Point and William White Williams II met her. Ms. DeCourcy stated that Mr. Williams lunged towards her and began choking her. Ms. DeCourcy stated that Mr. Williams force knocked her into the corner of the room away from the door. Ms. DeCourcy stated that Michael Oljaca who also worked for the National Alliance was present during the incident and pushed Mr. Williams away and pried his hands from her neck. This Officer spoke with Michael Oljaca who stated that he was standing outside Ms. DeCourcy's office doorway. Mr. Oljaca stated that Mr. Williams was sitting in Ms. DeCourcy's officer and began arguing with her immediately on 09-30-15. Mr. Oljaca stated that Mr. Williams got up from his chair and lunged at Ms. DeCourcy while making a motion with his left hand to smack her. Mr. Oljaca stated that Mr. Williams then took his right hand and started choking her. Mr. Oljaca stated that as soon as the incident took place he pulled Mr. Williams off of Ms. DeCourcy and had to physically restrain him so that he would not do further damage. William White Williams II is in Violation of WV State Code 61-2-9(c) Battery.



11/26/2015

IN THE MAGISTRATE COURT OF Pocahontas COUNTY, WEST VIRGINIA

WARRANT FOR ARREST

State of West Virginia

v.

Case No(s). 15-M38M-006A7

William White Williams II
Defendant
105 Raccoon Ravine Rd Mountain City TN 376838
Address

61-2-9(c) Battery

To Any Law Enforcement Officer:

WHEREAS this court has found probable cause to believe that the defendant, William White Williams II did commit an offense or offenses in this County on the 30th day of September, 2015 previous to the issuance of this Warrant, by unlawfully [*State statutory language of offense(s)*]
Any person who unlawfully and intentionally makes physical contact force of an insulting or provoking nature with the person of another or unlawfully and intentionally causes physical harm to another person.

against the peace and dignity of the State.

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- Forthwith
- Between the hours of 9 a.m. and 4 p.m., Monday through Friday
- Other (as specified): OFFICER'S DISCRETION

Given under my hand this 16th day of December, 2015

Carrie Wilgong
Magistrate

Executed by: _____ in _____

County, W. Va., on 1/1
(Date)

- Return
- Defendant
- File
- Prosecutor

IN THE MAGISTRATE COURT OF Pocahontas COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

v.

William White Williams II

Case No. 15-M38M-00087

Defendant

105 Raccoon Ravine Rd Mountain City TN 376838

Address

05 / 08 / 47

TN -107311432

Date of Birth

Driver's License No.

Optional Information:

SSN:

- Misdemeanor
- Felony

CRIMINAL COMPLAINT

I, the undersigned complainant, upon my oath or affirmation, state the following is true and correct to the best of my knowledge and belief. On or about 09 / 30 / 15 in Pocahontas County, West Virginia, in violation of W.Va. Code (cite specific section, subsection, and/or subdivision as applicable)

61-2-9(c) Battery the defendant did *(state statutory language of offense)*

Any person who unlawfully and intentionally makes physical contact force of an insulting or provoking nature with the person of another or unlawfully and intentionally causes physical harm to another person.

I further state that this complaint is based on the following facts: See Attached

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B. L. Kelly

Name

900 Jail Lane Marlinton WV 24954

Address

(304) 799 - 4445

Telephone

Deputy Sheriff

Office or title, if any

Complainant Signature

On this complaint, sworn or affirmed before me and signed this date by complainant in my presence, the item(s) checked below apply:

- Probable cause found
- Summons issued
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- No probable cause found

Magistrate Signature

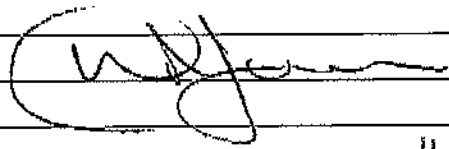
December 16, 2015

Date

Return
Defendant
File
Complainant
Prosecutor

(Criminal Complaint Continued)

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HODECICE