

The Greenbrier County Office of the Prosecuting Attorney Errors and Omissions

During the period from November 2001 through November 2004 the Assistant Prosecuting Attorney (P.A.), Steve Dolly, and his boss, Kevin Hanson, as shown within court records (and media) performed with questionable behavior. It is with appropriate concern that this file is produced to bring forth records that question why these two men did not represent the "State" with honor and respect due it or why they both misrepresent the facts presented them so that it appears that they covered up their erred actions and lack of actions during this three year period. Their actions placing the 1991 performance of the 1991 P.A., Rick Lorensen, into probable public scorn, not warranted by these records.

Much of the details of Jan and Rog McQuaid 2004 efforts are readable in Rog's 12 page white paper, "Victimhood: A Primer" available at www.janmcquaid.com within Links page as a downloadable Adobe Acrobat document. First Jan and Rog tried to understand why they were denied West Virginia rights for victims to be notified of the December 2003 trial. Second Jan and Rog tried to understand how 2003 Office of P.A. concluded that relief was due considering that the Office of P.A. never submitted required "Court" responses. Third Jan and Rog tried to address the errors and omissions with the powers of West Virginia directly (starting at the Office of P.A.) and then through the powers of the media. The media finally got responses from the Office of P.A. that unfortunately further demeaned the 1991 P.A. and did nothing to reverse the erred relief given to the murderer of our son.

This document is to 1) to provide public access to our correspondence with public officials where questions were never answered; 2) to make public an unmanageable response from the Office of the Attorney General; and 3) to provide some public records contained at the trial site, Morgantown, WV. 4) It will not make public the Juror Questionnaire response by dentist Mike Wilson that supports his claim as explained to Jan that (although he is friend of 1991 P.A.) he never served on any jury; and 5) it will also not make public the notarized letter from juror Mike Wilson to Jan stating that he was the juror but that he was not a friend of the 1991 P.A. These last two documents have personal information.

The reader is given the opportunity to decide what happened and what they think needs done.

Index of Exhibits

1-Intro:

August 17, 2004 Interview Questions (never got response by either Dolly or Hanson)
September 3, 2004 FAX to Hanson showing error by his office (never got response)
September 10, 2004 Letter to Governor Wise requesting help (never got response)

Select Monongalia County, WV Court Trial, Habeas Corpus, Orders and Motions Transcripts:

2-Trial: July 25, 1991	Pre-Trial, Pages 53,76 & 77 (friend dentist Wilson)
July 29, 1991	Trial, Pages 78, 86-91 (seating juror Wilson)
3-Fault:	12 Grounds for Relief Raised in Writ Petition (non-impartial jury)
February 7, 2002	Steve Dolly prepared Order to delay January 4, 2002
August 4, 2003	Motion for Default Judgment including list of faults
August 25, 2003	Default Hearing Order non attendance by Dolly
4-Plea: December 16, 2003	Greenbrier County Prosecuting Attorney Letter of Agreement
March 4, 2004	Order granting Habeas Corpus Relief to murderer

Other Source Documents:

5-News: October 12, 2004 Letter to Jan and Rog McQuaid from Office of the Attorney General
November 12, 2004 article by Tina Alvey of interview with Greenbrier County P.A. Kevin Hanson
November 15, 2004 article by Tina Alvey of interview with 1991 Greenbrier County P.A. Rick Lorensen
November 2004 article by Christian Giggenbach of interview with Assistant P.A. Steve Dolly
www.janmcquaid.com: Easter Sunday, 2004, Book Review by Kendall Bell in The Gazette Beaufort, SC

Telephone Interview by Rog McQuaid for Greenbrier County Prosecutor, Kevin Hanson
(Requested for 2pm on) August 17, 2004

A. Last Tuesday when I called Steve Dolly, you told me that you wanted me to talk to him. He told me that Tammy Wilson's Writ Of Habeas Corpus had other grounds besides "#3 Denial of impartial jury".

1a) Under which other of the twelve grounds was Tammy Wilson's Writ of Habeas Corpus relief warranted?

1b) Please list any other grounds where Respondent concession could have been used (in place of "improper impaneling of the jury") to grant her Writ of Habeas Corpus relief?

1c) And if either (a or b), how did Respondent Dolly come to those conclusions?

B. Last Tuesday I also asked Steve Dolly if he talked to Rick Lorensen about the impartial jury issue. Steve responded, "Yes."

From Steve's past and present actions I have to assume Steve Dolly has believed that juror Mike Wilson knew prosecutor Rick Lorensen and / or he must have believed that Rick knew Mike.

2a) Are both these assumptions of Steve Dolly's beliefs true?

2b) If either or both true, how did Respondent Dolly come to those conclusions?

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Note the above delivered to Hanson in a FAX requesting a phone conversation. Neither the Assistant, Steve Dolly, or Hanson responded to the above questionnaire in writing nor did Hanson accept phone calls in repeated phone attempts by Rog seeking answers. One phone attempt was forwarded to Dolly who apologized for five minutes and put off responding till next day. But the next day never arrived; neither Jan or Rog received phone call from Dolly or Hanson. We never talked again. Rog

Security Breach, The Murder of Tod McQuaid

Prologue: A TRUE STORY . . . I wish to God it weren't.

Author: Janet Bailey McQuaid, PO Box 101112, Pittsburgh, PA 15237 – JanMcLead@aol.com

Signed copy: Book signing event –\$16 - Mailed in USA - \$20 Book Store Copy - \$14.95 + tax

Presentation: “Crime As Viewed By The Victim’s Family,”

Presenters: Jan and Rog McQuaid MSG/FAX 412-366-0184 RogerMcQ@aol.com

FAX Cover Sheet

September 3, 2004

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Regarding: Tammy Wilson’s Writ of Habeas Corpus – Relief Correction

Contact: Kevin Hanson, Prosecutor

Organization: Greenbrier County Prosecutor Office

Location: 200 Court Street Lewisburg

Telephone: 304-647-6616 FAX 304-647-6671

Kevin Hanson,

I am extremely proud of all Jan has done. But no finer results exist than those from her simple phone calls to satisfy her curiosity about this Writ of Habeas Corpus.

Tammy’s Writ has 12 grounds and the only one used for relief is number 3: Denial of impartial jury. This was started in a pre-trial hearing where dentist Mike Wilson was identified as in the jury pool and as a friend of the prosecutor. Four days later juror Mike Wilson was seated in the jury and served for the trial.

Jan called dentist Mike Wilson to find out why he did not tell the Court when all jurors were asked about their relationship with the prosecutor, Rick Lorensen. Dentist Mike Wilson told Jan that he never served on any jury in his entire life. He also said he has been excused each time he sends in his questionnaire.

Jan then called Rick, the “now ex” prosecutor, and asked him why he did not tell the court that he knew the juror Mike Wilson when, only four days before, he told the Court he knew dentist Mike Wilson. Then Rick told her that he did not know juror Mike Wilson and he felt that the juror did not know him.

Jan then made more than 25 calls to M or Mike Wilson’s in Morgantown and its vicinity. She found juror Mike Wilson. Both Mike Wilson’s are interested in helping to correct this miscarriage of character.

You can easily verify Jan’s findings. What will you do to correct this wrong?

Please respond in a FAX before September 10.

- 1) FAX Covering Letter requesting appropriate action plan

Copy Thelma Hughes, Governor Wise’s Office FAX 304-558-2722

Note Hanson never responded to this FAX that was also attached to the September 10, 2004 letter to Governor Wise with copy to Hanson and Attorney General.

Roger and Janet McQuaid
(Address and phone number)

September 10, 2004

Governor Wise
(Address and phone number)

Dear Governor Wise,

Subject: Civil Rights/Victims' Rights Violation and The State of West Virginia

We are writing to ask your help in determining a course of action to take where we believe that our civil rights under Victims' Rights acts have been or are being violated by the State of West Virginia. Reviewing our experiences to date, we believe that offices at all levels in the State are unwilling to rectify our situation.

We are looking to you for correction of state action concerning the trial and sentence of the woman convicted of murdering our son. We ask that you use your position in office to please help us understand how her 2003 Writ of Habeas Corpus relief to the 1991 trial and its sentence for our son's murderer reversed that 1991 jury's decision. In so resolving our dilemma, it is hoped that you also might order remedies for neglect of all West Virginia victims and their civil rights by the State of West Virginia.

Background:

In 1991, a court case determined the guilt of the woman, Tammy Wilson, for the First Degree Murder of our son, Tod. She was sentenced to Life without Parole ("without Mercy").

Situation:

In 2003, Tammy Wilson appealed with a Writ of Habeas Corpus ('Writ') alleging twelve separate grounds including one where one juror on the 1991 case had not disclosed that he knew the prosecuting attorney. As the Respondent to this, an assistant prosecuting attorney from Greenbrier County looked into the Writ's grounds, then conceded merit and then allowed a plea bargain for a reduced sentence of Life with Parole ("with Mercy").

Problems:

- 1) The Writ's relief was granted after the State conceded grounds in the Court Order "...that there may have been reversible error made during the Petitioner's original jury trial – namely the improper impaneling of the jury ..." We have requested notice of the Writ's conclusion of merit from the Respondent (assistant prosecutor) and the prosecutor. However these representatives of the State, for reasons they have not disclosed to us, are to date unwilling to share why they acquiesced to this convicted and admitted murderer. Attached is August 17 FAXed one-page clarifying questionnaire.
- 2) The Writ's implied yet necessary truth-dentist Mike Wilson was juror Mike Wilson-was discovered by Jan to be false when she talked to dentist Mike Wilson and it was verified when she talked to juror Mike Wilson. Attached is September 3 FAX to Greenbrier County Prosecutor, Kevin Hanson.
- 3) We the victims (as qualified by the 1984 West Virginia Victims' Rights Act) were not notified by the State of the 2003 hearing. The Court did not question victims' absence during the 2003 hearing.

Details:

Roger contacted the Writ's Respondent, Greenbrier Assistant Prosecuting Attorney Steve Dolly. Mr. Dolly's actions make it appear that he will not discuss what actions he took or investigation he performed to conclude that the Writ had merit and which other grounds (if any besides 'improper jury impaneling') were valid. Mr. Dolly set the telephone interview schedule for Friday, August 13 after he answered several questions on August 10. However, if the 1984 Act does not qualify us to request and be given a reasonable explanation, should it be revised to have law-enforcement/prosecution accountability? We request a Governor remedy for victims to have rights to access these prosecutors for their conclusion details.

It is notable that the transcript of the Writ's hearing on December 17, 2003 included three references to "victims" by the Court. However each reference was part of the detailed description of the murderer's rights. Since no victims were present at that hearing and the Court offered no reference to any presence of victims, we request a Governor remedy in the Courts.

The assistant prosecuting attorney told Janet in March that he could not locate any family victims, for notification prior to or after the appeal in December 2003. However, others in the State government and associated with the murder of our son, namely, the West Virginia parole board had contacted us by registered letter shortly before this action on another matter (regarding the October 2003 parole hearing of an accomplice to the same crime). We request a Governor inquiry and remedy as to why the State (prosecutor) is not talking to the state (parole board).

In addition, we request that the Governor enhance the support chain for victims and ensure appropriate communications vehicle(s) to let the victims seek and find relief.

- Janet contacted your office and spoke with Thelma Hughes but she told Janet that you do not address judicial matters.
- Janet contacted the State Attorney General's office and spoke with Dawn Warfield but they too are not interested in discussing the matters in a spirit of resolving them.
- Roger contacted the Greenbrier County Prosecutor but his refusal to date to discuss or to resolve has given us a feeling of his disinterest in supervising his employee's actions in this case.

If no one wants to hold anyone accountable for what transpired, then we can only think there are dubious motives involved where no one in West Virginia's judicial system is willing to question "their own".

We are at a loss of where to go next. It appears to us that an appeal was moved through the system without regard to the victims' rights. Also this process appears to have served forth an unjustified outcome. We only hope that through your office, justice and character will intercede to resolve these matters.

Roger will be contacting your office during the week of September 20 to arrange a time to discuss our victims' rights interests in West Virginia. It is hoped that you likewise would be committed to ensuring the integrity of victims' rights throughout the State of West Virginia. We certainly believe that immediate remedies are mandated 20 years after the 1984 Victims' Rights Act in West Virginia.

Sincerely,

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Note this and later correspondence got no response. Thelma Hughes purchased a book during our October 2004 visit to the Governors office after a book festival but the Governor was out of town.

Rog McQuaid's summary of Court Transcript Exhibits as found in Morgantown, WV Courthouse:

July 25, 1991

Pre-Trial, Pages 53,76 & 77 (friend dentist Wilson)

The Pre-Trial held in Lewisburg, WV discusses several issues of which one was the Twentieth High School Class Reunion of the Prosecutor. He describes two friends in the jury pool as a possible issue to cause jury contamination ("prejudice the whole panel"). Page 53 as first page lists date and attendees. Pages 76 and 77 quotes the Prosecutor wanting to bring to the Court and the Defense ("everybody's") attention his friends, dentist Mike Wilson and accountant Reed Tanner, as members of the jury pool.

July 29, 1991

Trial, Pages 78, 86-91 (seating juror Wilson)

The Trial held in Morgantown, WV seats a Mike Wilson on the jury immediately after accountant Reed Tanner, answers the Court question, that yes he and the Prosecutor are friends. In this instance, four days after the Prosecutor informed Court of his friend, dentist Mike Wilson, and minutes after Reed Tanner is excused, the Prosecutor also does not inform the Court that juror Mike Wilson is his friend. (Unfortunately, he also did not make a note in the Court Transcript that this was not his friend.)

November 2001

Habeas Corpus Form (00-C-461 for case 91-F-49)

12 Grounds for Relief Raised in Writ Petition (non-impartial jury)

The Writ of Habeas Corpus is assigned Counsel of Assistant Prosecutor, Steve Dolly. He is to respond to the Court on the quality of each of 12 alleged faults in the 1991 Trial. He responds to none.

February 7, 2002

Steve Dolly prepared Order to delay January 4, 2002

The order for 30-day extension to February 3 is signed on February 7, 2002. However the petitioner's Counsel did not call to question this fault in the Transcript for more than a year. In a May 1, 2003 "status conference", Steve Dolly indicates that he could respond and he is given another 30 days to respond. Again he fails to respond by June 23, 2003.

August 4, 2003

Motion for Default Judgment including list of faults

Since Steve Dolly has failed to meet Court requirements of the "State", he is ordered to appear before the Court. The Petitioner requests immediate relief through acceptance of all grounds or that Respondent (the State) not be permitted any defense at eventual (December 17, 2003) hearing.

August 25, 2003

Default Hearing Order non attendance by Dolly

After all the promises to work this case, Steve Dolly does not even attend the hearing against himself.

December 16, 2003

Greenbrier County Prosecuting Attorney Letter of Agreement

A Plea Agreement is reached (in lieu of Court ordered response over two years) that the State will concede that "jury was improperly constituted" and "...Defendant will plead guilty to the felony offenses of Murder in the first degree..." without really saying her guilt (Alford Plea). This plea arranges for a reduced sentence of Life with Mercy (parole potential).

March 4, 2004

Order granting Habeas Corpus Relief to murderer

Closure is given by the Court for the murderer's Writ of Habeas Corpus with its errors and omissions by the Greenbrier County Prosecuting Attorney. It is notable that the West Virginia Attorney General has proclaimed that the errors cannot be righted (October 12, 2004). Detail follow-up investigation and discovery by Jan McQuaid are found in "Victimhood: A Primer" by Rog McQuaid. Jan's book, *Security Breach: The Murder of Tod McQuaid*, provides the victim's feelings to discussions with the murderer before and after her son's death and the 1991 trial. A book review is found on www.janmcquaid.com.

Following this 1-Intro are sections 2-Trial-1999, 3-Habeas-Fault, 4-Plea-Bargain and 5-News-Articles.

Compiled and described for the Web by Rog McQuaid