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October 12, 2004

Edwin Roger McQuaid
236 Haugh Drive
Pittsburgh, PA 15237-5633

Dear Mr. McQuaid:

Your faxed letter of October 8, 2004 addressed to the Attorney General was referred to me for a reply. As I advised you during our telephone conversations on September 13 and 14, 2004, there is nothing you or this office can do regarding this case.

Even if counsel for the State was negligent in handling Tammy Wilson's habeas case, you advised me that a final order has already been entered granting her habeas relief and accepting her guilty plea in exchange for a reduced sentence. Unfortunately, as I also said during our earlier conversations, the State does not have the right to appeal in criminal cases, and any attempt to overturn the habeas decision and reinstate her previous conviction could violate double jeopardy principles.

I share your frustration with the failure of the criminal justice system to address the concerns of the victim's family in this case. However, I am afraid that your only recourse now is to appear before the Parole Board every time Ms. Wilson is up for parole, and oppose her request for release.

Very truly yours,

A handwritten signature in cursive script that reads "Dawn E. Warfield".

DAWN E. WARFIELD
DEPUTY ATTORNEY GENERAL

DEW/sc

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Verdict Overturned In McQuaid Murder; Plea Agreement Reached

By Tina Alvey

A Roncoverte woman convicted in 1991 of being the mastermind behind the murder of Lewisburg businessman Tod McQuaid is now on the road to potentially winning her freedom.

Monongalia County Circuit Judge Robert B. Stone overturned the jury verdict against Tammy Wilson, 43, in March of this year, after the Greenbrier County Prosecutor's office conceded an error was made in the selection of that jury.

Wilson's trial had been moved to Monongalia from Greenbrier County, where McQuaid was killed. After hearing testimony from a number of witnesses, including Wilson's two co-defendants, the jury found her guilty of first degree murder, making no recommendation for mercy.

After reviewing a petition for a writ of habeas corpus filed by Wilson, Greenbrier County prosecutors decided to ask the court to grant the writ, contingent upon the defendant's pleading guilty to first degree murder. The agreement further stipulated, "[T]he court should make a finding that mercy should be granted Defendant, which would have the effect of making Defendant eligible for consideration for parole after serving a total of ten... years in the West Virginia State Penitentiary."

Since Wilson had already been in prison for more than 10 years, she was immediately eligible for parole.

According to Janet McQuaid, the mother of murder victim Tod McQuaid, a parole hearing was held this fall, but the board denied Wilson's initial bid for freedom. She can re-petition for parole at preset intervals.

Janet McQuaid said she and her husband, E. Roger McQuaid, were unaware that plea bargaining was being conducted with one of their son's killers until the deal had been approved by a judge. The couple contacted the West Virginia Attorney General's office to see if the arrangement could be voided.

In response, Deputy Attorney General Dawn E. Warfield wrote to the McQuaids, cautioning, "[A]ny attempt to overturn the habeas decision and reinstate [Wilson's] previous conviction could violate double jeopardy principles."

Warfield continued, "I am afraid that your only recourse now is to appear before the Parole Board every time Ms. Wilson is up for parole, and oppose her request for release."

Janet McQuaid maintains the grounds upon which the habeas was granted are spurious, a contention with which Greenbrier County Prosecutor Kevin Hanson disagrees.

The habeas petition alleges that one of the jurors, identified by Janet McQuaid as Michael Wilson, was an "old friend" of then-Greenbrier County Prosecutor Richard H. Lorensen. Despite the personal relationship, the petition maintains, that juror was impeached rather than being excused from serving.

Janet McQuaid noted the Michael Wilson whom Lorensen identified as an old friend is a Morgantown dentist. She said she contacted both Dr. Wilson and the Michael Wilson who served on the jury, and confirmed they were two different people.

Assistant Prosecuting Attorney Steve Dolly handled the habeas case at this end, court documents reflect.

Neither Dolly nor Hanson was affiliated with the Greenbrier County Prosecutor's office at the time of the October 1990 murder or the two jury trials that followed.

Dolly did not return telephone calls this week seeking information about the plea agreement.

Asked what his office had done to confirm the validity of the accusation made in the habeas petition, Hanson said this morning, "I am relatively certain that Steve [Dolly] talked to Rick Lorensen. And I am relatively certain there is an affidavit or something signed by that juror [Michael Wilson] in the file."

Lorensen also failed to return telephone calls to his office this week seeking a response to the allegations.

Conceding, "I know relatively little about this case," Hanson explained why he decided to enter into a plea arrangement rather than retry Tammy Wilson.

"It's the bird in the hand versus 10 in the bush kind of thing," he said. "The verdict is unknown if we go back to trial. Getting all of the witnesses back after so many years [is uncertain]. It's much more of a burden to get a guilty verdict again."

The Murder Of Tod McQuaid

Key to Tammy Wilson's conviction in 1991 was the testimony of her two co-defendants, Roger Cline, later convicted of being the triggerman in the case, and Harry Joe Johnson. All three were employees at Temac Security Systems in Lewisburg, the firm that Tod McQuaid owned.

Johnson ultimately pled guilty to murder and was sentenced to five to 18 years in the state penitentiary.

A Greenbrier County jury found Cline guilty of first degree murder in early 1992. The jury recommended mercy, meaning Cline had to serve at least 10 years before being eligible for parole.

McQuaid, 36, was killed on October 6, 1990, at Tammy Wilson's residence on Coffman Hill Road.

According to trial testimony, Wilson had a personal relationship with the victim and had lured him to her home, where she drugged him in preparation for the kill.

After McQuaid was unconscious, Johnson and Cline arrived, according to Johnson's own testimony. He further testified that Cline shot their boss in the head on the fourth attempt.

Cline drove the body to Ohio, where the remains were discovered on October 23, 1990, in a shallow grave.

Earlier this year, Janet McQuaid published her personal account of enduring the murder of her child. The book is titled *Security Breach*.

Former Prosecutor Says Juror Was Not His Friend

By Tina Alvey

The information Greenbrier County authorities relied upon in agreeing to void Tammy Wilson's murder conviction was false, according to the man who originally prosecuted the case.

Wilson was convicted by a Morgantown jury in 1991 of the murder of her boss, Tod McQuaid. Testimony by two codefendants indicated Wilson was the mastermind of the plot to kill McQuaid, who owed TEMAC Security Systems, a Lewisburg firm.

McQuaid was shot to death at Wilson's home on Coffman Hill Road in Romeoverte in October of 1990. Roger Cline was convicted by a Greenbrier County jury in 1992 as the triggerman.

Wilson filed a petition for a writ of habeas corpus last year, claiming among other assertions, that one of the jurors at her trial was an old friend of then-Greenbrier County Prosecutor Richard H. Lorenson.

In a letter to Wilson's attorney, dated December 16, 2003, Assistant Greenbrier County Prosecuting Attorney Stephen R. Dolly conceded the writ should be granted "on the ground that the jury was improperly constituted as alleged in the Defendant's petition."

The letter further outlined an agreement under which Wilson would plead guilty to first degree murder and the Court "should" make a finding of mercy, meaning Wilson could apply for parole, not an option under the jury verdict, which recommended no mercy.

Monongalia County Circuit Judge Rober B. Stone overturned the jury verdict in March of this year, accepting the plea arrangement agreed to by the state and the defendant.

But, according to Lorenson, the juror Wilson alleged was his friend simply shared a name-Michael Wilson-with an acquaintance of the former prosecutor.

"I knew a Michael Wilson. He's a dentist," Lorenson said. "But he's not the [Michael Wilson] who was on the jury."

Another former classmate of the Morgantown-raised Lorenson was in fact in the jury pool, but excused himself because of the connection, Lorenson noted.

Greenbrier County Prosecutor Kevin Hanson said on Friday, when contacted about the plea agreement, which only recently came to public attention, that he believed Dolly had spoken to Lorenson about the allegations of an improperly constituted jury.

Lorenson, however, said no one from the prosecutors office had contacted him prior to executing the plea agreement.

When Greenbrier County Circuit Judge Frank E. Jolliff told Lorenson of the deal during a Christmas party last year, "I was shocked," the former prosecutor said.

Tammy Wilson is incarcerated in the Pruntytown Correctional Center. Her initial application for parole this fall was denied.

Subj: **news article**
 Date: 11/22/2004 4:34:21 PM Eastern Standard Time
 From:
 To:
Sent from the Internet

By Christian Gigenbach

REGISTER-HERALD REPORTER

LEWISBURG — A Ronceverte woman who was convicted in 1991 in the murder of a Lewisburg businessman will stay behind bars even though a circuit court judge overturned the jury verdict, according to a Greenbrier County prosecutor.

Tammy Wilson, 43, was convicted 13 years ago of first-degree murder without mercy — meaning no chance of parole — for her part in the 1990 death of her boss, Tod McQuaid. Testimony by her two co-defendants, Roger Cline and Harry Joe Johnson, stated that Wilson had planned the murder.

All three worked for McQuaid at the Temac Security Systems business he owned in Lewisburg.

A Greenbrier County jury convicted Cline of first-degree murder with mercy in 1992.

Johnson pleaded guilty to second-degree murder and was sentenced 5 to 18 years in prison. Wilson's trial took place in Monongalia County.

In March of this year, Monongalia County Circuit Judge Robert B. Stone overturned the jury verdict after Wilson entered into a plea agreement with Greenbrier County prosecutor's office.

The plea agreement came after Wilson questioned the verdict by filing a writ of habeas corpus last year, asserting various errors made by the prosecutor at the time, Richard Lorenson.

Greenbrier prosecutors asked the court to grant the writ, which led Judge Stone to overturn the conviction.

"Instead of another trial, we negotiated a plea agreement with the defendant," Greenbrier assistant prosecutor Steve Dolly told The Register-Herald. "If she gets a new trial, then we cannot prosecute her because the case is too old."

Dolly said the plea agreement called for Wilson to plead guilty to first-degree murder with mercy, which would allow her the opportunity for parole every three years.

Wilson's first parole hearing occurred in May and she was denied.

"I don't have the same evidence to convict her with that (which) they had in 1991," Dolly said. "The key witness against her has been discharged from prison and he is gone. In another trial, I don't think we could have convicted her."

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