

FILE COPY



IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

IN THE MATTER OF:
THE HONORABLE C. CARTER WILLIAMS
JUDGE OF THE 22ND JUDICIAL CIRCUIT

SUPREME COURT No. ~~21-0608~~ 21-0818
JIC COMPLAINT No. 78-2021
& 81-2021

FORMAL STATEMENT OF CHARGES

DO NOT REMOVE
FROM FILE

The West Virginia Judicial Investigation Commission (“JIC”), pursuant to Rules 2.7 (a) and (d) and 2.8 of the Rules of Judicial Disciplinary Procedure, has determined that probable cause does exist to formally charge the Honorable C. Carter Williams, Judge of the 22nd Judicial Circuit (“Respondent or Judge Williams”) with violations of the Code of Judicial Conduct and that formal discipline is appropriate based upon the following probable cause findings:

1. Respondent received his Juris Doctorate from the West Virginia University College of Law in 1991 and passed the July 1991 West Virginia Bar examination. Respondent became licensed to practice law in the State of West Virginia on or about September 23, 1991. From September 23, 1991 through approximately December 31, 2016, Respondent actively engaged in the practice of law in and around Hardy County, West Virginia.
2. Respondent was elected to an eight-year term on the bench for the 22nd Judicial Circuit in May 2016 and took office on January 1, 2017. Prior to taking office, Respondent received a copy of the Personnel Manual for the Supreme Court of Appeals of West Virginia. On or about December 5, 2016, Respondent certified that he had received and read the Personnel Manual. In § 2.3 on page 5, the Personnel Manual reads:

Unless specifically exempted, all state judicial-branch personnel are responsible for adherence to all policies and procedures described here. Further, they are responsible for reading and for being familiar with the applicability of the judicial ethical canons. These rules, comprising the Code of Judicial Conduct, are published in the annual rules volume of the West Virginia Code.

In his sworn statement of October 6, 2021, Respondent acknowledged his responsibility to read and familiarize himself with the Code of Judicial Conduct.

3. Respondent has served continuously as a circuit judge since January 1, 2017. His term of office ends December 31, 2024. At all times relevant to the charges set forth below, Respondent was a circuit court judge and therefore subject to the WVRJDP and the West Virginia Code of Judicial Conduct.
4. Upon taking office as a circuit court judge, Respondent's license to practice law went from active to inactive status. At all times relevant to the proceedings set forth below, Respondent was on inactive status from the practice of law, as is required whenever serving as a circuit court judge. As such, Respondent is still also subject to the West Virginia Rules of Professional Conduct.
5. Rule 4.12 of the West Virginia Rules of Judicial Disciplinary Procedure also gives the Judicial Hearing Board the authority to consider lawyer misconduct and provides in pertinent part:

In addition, the Judicial Hearing Board may recommend or the Supreme Court of Appeals may impose any one or more of the following sanctions for a judge's violation of the Rules of Professional Conduct: (1) probation; (2) restitution; (3) limitation on the nature or extent of future practice; (4) supervised practice; (5) community service; (6) admonishment; (7) reprimand; (8) suspension; or (9) annulment.

6. On July 15, 2021, Judicial Disciplinary Counsel ("JDC") filed a judicial ethics complaint against Respondent. The complaint was given Complaint No. 78-2021. Later that same day, Respondent called JDC to verbally report his misconduct. The verbal report occurred after Respondent was advised by the Honorable Charles C. Carl, Judge of the 22nd Judicial Circuit and/or Hardy County Prosecutor Lucas See that Prosecutor See had a duty to report him pursuant to the West Virginia Rules of Professional Conduct.
7. On or about July 16, 2021, Respondent reported his misconduct in writing. Respondent's report was given Complaint No. 81-2021.

8. On July 30, 2021, the JIC filed a report under Rule 2.14(b) of the Rules of Judicial Disciplinary Procedure with the State Supreme Court seeking, in part, Respondent's suspension without pay pending the outcome of the disciplinary matter.
9. By Order entered August 3, 2021, the Court deferred ruling on the suspension without pay. Importantly, the Order stated:

The JIC report states that the respondent has agreed to no longer preside over criminal cases in Hardy County. It is ordered that the Court adopts the agreement, and the respondent is prohibited from hearing any matter involving the Moorefield Police Department and/or its officers during the pendency of these proceedings.

10. In late September 2021, the Court again considered the matter. By Order entered September 30, 2021, the Court found "that there is probable cause to believe that the respondent has engaged in a violation of the Code of Judicial Conduct." The Court ordered the matter remanded to the JIC." The Court also continued to prohibit "the respondent from hearing any matter involving the Moorefield Police Department and/or its officers during the pendency of the judicial disciplinary proceedings."

After investigating and evaluating the Complaints, the Judicial Investigation Commission finds that there is probable cause to make the following **CHARGES** and **FINDINGS**:

CHARGE I

JUDGE WILLIAMS violated Rules 1.1 (Compliance With the Law), 1.2 (Confidence in the Judiciary), 1.3 (Avoiding Abuse of the Prestige of Judicial Office), 2.2 (Impartiality and Fairness), 2.3(A) and (B) (Bias, Prejudice and Harassment), 2.8(B) (Decorum, Demeanor and Communication), 2.10(A) Judicial Statements on Pending/Impending Cases), 2.16(B) (Cooperation with Disciplinary Authorities), 3.1 (A), (B), (C) and (D) (Extrajudicial Activities in General) of the Code of Judicial Conduct and Rules 8.4 (a) and (d) (Misconduct) of the Rules of Professional Conduct as set forth in the attached Appendix when he committed the following acts:

11. During the evening hours of Sunday, July 11, 2021, Respondent, his wife and a daughter went to a new ice cream parlor in Moorefield and purchased some treats. After they finished, Respondent left in his vehicle while his family left in separate vehicles. At some point, Respondent could not locate his cell phone. While driving along a city street, Respondent either heard the cell phone ring or heard a rattle underneath his seat. He reached down and retrieved his phone.
12. Meanwhile, on or about 7:25 p.m., Officer Johnson, who is African American, was conducting a road patrol in the city limits of Moorefield when he observed Respondent holding a cell phone in his right hand near the steering wheel while driving.¹ Officer Johnson conducted a traffic stop. Officer Johnson was wearing a body cam when he walked up to Respondent's vehicle. Respondent immediately identified himself as "Judge Williams." From the outset, Respondent acted in a manner unbecoming a judicial officer.
13. Judge Williams asked in an angry tone why he had been stopped. Officer Johnson explained it was because Respondent had a cell phone in his hand. Judge Williams stated that he lost his cell phone and had just pulled it up from under the seat when he was stopped. At that point, Officer Johnson asked Respondent why he was yelling. Officer Johnson then twice asked to see the Respondent's license, registration and insurance. Respondent said he did nothing wrong. The officer again asked for Judge Williams license, registration and insurance. Judge Williams harshly replied, "I'm not going to give you my license and registration."²
14. Respondent then continued to argue with the officer about the basis for the stop although he acknowledged during his sworn statement that the patrolman had reasonable suspicion to pull him over. At some point Respondent said in an angry tone, "And you all aren't ever on yours

¹ It is unclear whether Respondent was talking on the phone at the time. Respondent has repeatedly denied the same. However, Officer Johnson told Lt. Burrows that he observed Respondent talking.

² A licensed driver who cannot or will not display a license to a requesting officer can be convicted of a misdemeanor and faces a maximum \$500.00 fine. However, the driver cannot be convicted if he or she presents a then-valid license to the court or at the police station before the court date. See W.Va. Code § 17B-2-9.

[cell phone]. I drive by a lot of times and you all are on yours. You're never on yours, right?" The officer, who remained polite throughout the discourse again asked Respondent why he was yelling. Respondent denied yelling and again asked, "You're never on yours?" Respondent then stated, "Let me tell you something, you all are on yours." The officer tried to explain that officers are allowed to use a cell phone for official business. Respondent then said, "No, not official business" as he finally handed the officer his license, registration and insurance.

15. Officer Johnson next asked Respondent why he was so uptight. Respondent said it was because he was "irritated" that he was pulled over for "no reason." Respondent continued to argue with Officer Johnson about whether he could have a cell phone in his hand while driving. Officer Johnson continued to remain calm. At some point Respondent told Officer Johnson to give him a ticket and he would take it to municipal court and go to trial. Respondent then said, "It's ridiculous what you're doing. It's ridiculous."
16. When the officer asked Respondent why it was ridiculous, he replied, "Cause you all have yours in your hands. I've seen it many times. You all have yours and you don't get pulled over. Don't tell me it's on official business. I hear your cases every day in court. . . . Give me a ticket. I am really irritated about this whole . . . give me a ticket." When the officer again asked him why he was mad, Respondent stated, "You just pulled me over for no reason. Pulled me over for no reason. Give me a ticket."
17. Officer Johnson then went back to his patrol car to run the license and write a ticket. The officer learned that Respondent's license had also expired upon his 55th birthday, which occurred on April 17, 2021.
18. While the officer was in his patrol car, Respondent contacted Moorefield Police Lieutenant ("Lt.") Melody Burrows, who was off duty. When she answered the phone, Respondent immediately said in an enraged tone, "Your boy pulled me over for being on my cell phone

and I wasn't on my cell phone!" Respondent told her his version of what happened with the lost cell phone. According to Lt. Burrows, Respondent was extremely irate. Burrows told Respondent to calm down and that she would contact Officer Johnson and tell him not to issue the ticket. In her sworn statement, Burrows testified that she believed the purpose of Respondent's call was to stop the issuance of the ticket. Burrows also testified that Respondent repeatedly referred to Officer Johnson as "your boy" during the initial call. Lt. Burrows then immediately called Officer Johnson who happened to still be in his patrol car and told him not to issue the ticket.

19. Lt. Burrows then called Respondent back and told him that Officer Johnson would not be giving him a ticket. While she was still on the phone with the Judge, Officer Johnson returned to the vehicle. She heard Officer Johnson re-establish contact with Respondent. Respondent then told Officer Johnson, "You can write me a ticket or not. I don't care. I'll take it up to town and we'll go to trial, buddy. That's fine with me and I'll tell you what. The next time I see any of you on the phone I am stopping right there and calling the State Police. Any of you."
20. Officer Johnson again asked Respondent why he was being argumentative. Respondent replied that it was "because I've seen this crap enough and I'm tired of it." The officer started to hand Respondent back his registration and insurance. Respondent grabbed them out of the officer's hand saying, "Give it to me." Respondent then demanded his license "now." As Respondent grabbed the license out of the Officer's hand, Officer Johnson told him that it was expired. Respondent drove off without waiting for the Officer to release him. Respondent could be heard saying as he drove off, "Next time I..."³
21. W. Va. Code § 17B-2-1(a)(1) provides:

³ Respondent renewed his license online later that evening. The effective date of the renewal was July 12, 2021.

No person, except those hereinafter expressly exempted, may drive a motor vehicle upon a street or highway in this state or upon a subdivision street used by the public generally unless the person has a valid driver's license issued pursuant to this code for the type or class of vehicle being driven.

A violation of this provision constitutes a misdemeanor and upon conviction a person may be fined not more than \$500.00. A second or subsequent conviction is punishable by a fine of not more than \$500.00 and/or confinement in jail for not more than six months. *See* W. Va. Code § 17B-2-1(i). Violators may also receive two points on their driver's license.

22. W. Va. Code § 17B-2-12 states that “[e]very driver’s license issued to a person who has attained his or her twenty-first birthday expires on the licensee’s birthday” on a five-year renewal cycle for any birth age ending in 5 or 0. W. Va. Code § 17B-2-12a(a) requires the Commissioner of the West Virginia Department of Motor Vehicles (“WVDMV”) to “notify each person who holds a valid driver’s license of the expiration date of the license by first class mail or by electronic means to the last address known to the division.” The notice is mailed at least ninety days prior to the expiration date of the license and shall include a renewal application form and instructions for renewal. *Id.* The WVDMV sent Respondent a notice in late January or early February 2021 that his driver’s license would expire on April 17, 2021. The expiration date is also stated on the driver’s license.

CHARGE II

JUDGE WILLIAMS violated Rules 1.1 (Compliance With the Law), 1.2 (Confidence in the Judiciary), 1.3 (Avoiding Abuse of the Prestige of Judicial Office), 2.3(A) and (B) (Bias, Prejudice and Harassment), 2.8(B) (Decorum, Demeanor and Communication), 3.1(C) (Extrajudicial Activities in General of the Code of Judicial Conduct and Rules 8.4 (a) and (d) (Misconduct) of the Rules of Professional Conduct as set forth in the attached Appendix when he committed the following acts:

23. At approximately 7:39 p.m. that same evening, Respondent called Moorefield Police Chief Stephen Rigglesman on his cell phone. The chief was off duty. Chief Rigglesman did not recognize the caller's telephone number. When he answered the phone, the person on the other end identified himself as Judge Williams. Respondent then proceeded to tell the Chief that he had "just had words with one of your boys." Respondent told Chief Rigglesman his version of events leading up to the stop and his encounter with Officer Johnson. According to Chief Rigglesman, Respondent was very agitated. Chief Rigglesman stated that the more they spoke the more agitated Respondent became.
24. Respondent told the Chief that he often observed Moorefield Police Officers on their phones and that in the future he was going to start calling the State Police and have them charge the officers whenever he saw them. When the Chief explained that the officers were exempt from the cell phone prohibition, Respondent said that was ridiculous and that it only covered official business. Chief Rigglesman agreed stating that neither he nor Respondent had any way of determining whether the officers were on their phone for official business.
25. Respondent told Chief Rigglesman he was tired of being disrespected. Chief Rigglesman told Respondent that if anyone was being disrespectful it was him. Chief Rigglesman brought up several instances where the Judge had been pulled over for various traffic violations since taking office. Chief Rigglesman also questioned why the Judge had called him out of the blue when he had never bothered to speak to him before. The Chief also mentioned that it was his day off and he was spending it with his family. Respondent indicated that there was nothing wrong with the Judge calling the Chief. He also asked the Chief, whether he was Chief of Police even when he wasn't working. Respondent then told the Chief that he was a public servant and the Judge would call him whenever he wanted. The Chief told Respondent not to call when he was home with his family. Respondent replied by hanging up on Chief Rigglesman.

CHARGE III

JUDGE WILLIAMS violated Rules 1.1 (Compliance With the Law), 1.2 (Confidence in the Judiciary), 2.2 (Impartiality and Fairness), 2.3(A) and (B) (Bias, Prejudice and Harassment), 2.8(B) (Decorum, Demeanor and Communication), 2.10(A) Judicial Statements on Pending/Impending Cases), 3.1 (C) (Extrajudicial Activities in General of the Code of Judicial Conduct and Rules 8.4 (a) and (d) (Misconduct) of the Rules of Professional Conduct as set forth in the attached Appendix when he committed the following acts:

26. Respondent also called former Moorefield Police Chief Steve Reckart at home that same evening. The former chief had retired with the rank of Detective at the end of June 2021. Detective Reckart said Respondent was very upset during the call. Respondent asked Detective Reckart if he was still with Moorefield PD. When Detective Reckart advised that he had retired, Respondent told Reckart that he needed to talk to someone and could talk to him. Detective Reckart thought this was odd because they were just acquaintances.
27. Respondent told Detective Reckart his version of the stop. During the call, Respondent made negative comments about Officer Johnson and Moorefield PD. Respondent called Officer Johnson a poor police officer. Respondent told Detective Reckart that Officer Johnson did a very poor job. He also complained that Officer Johnson should not even be a police officer.⁴ Respondent called cases from Moorefield PD that were brought in his courtroom “sketchy.” He said the Moorefield PD was made up of a bunch of “boys” and that it was run by a “boy.” Respondent said he let some of the Moorefield PD cases go through even though he probably shouldn’t have and that he may change his position in

⁴ In May 2020, Officer Johnson was charged with the felony offense of wanton endangerment in Mineral County Magistrate Court over an incident that occurred while he was off duty. The Charge was dismissed without prejudice in June 2020. Officer Johnson was placed on probation with Moorefield Police Department for six months after the incident and successfully completed the probationary period. Chief Riggelman calls Officer Johnson one of his best officers. Respondent’s brother-in-law is Judge of the 21st Judicial Circuit, which consists of Mineral, Grant and Tucker Counties.

future cases. Detective Reckart kept asking him what he wanted and Respondent replied that he just wanted to vent.

CHARGE IV

JUDGE WILLIAMS violated Rules 1.1 (Compliance With the Law), 1.2 (Confidence in the Judiciary), 1.3 (Avoiding Abuse of the Prestige of Judicial Office), 2.2 (Impartiality and Fairness), 2.3(A) and (B) (Bias, Prejudice and Harassment), 2.8(B) (Decorum, Demeanor and Communication), 2.10(A) Judicial Statements on Pending/Impending Cases), 3.1 (A), (B), (C) and (D) (Extrajudicial Activities in General of the Code of Judicial Conduct and Rules 8.4 (a) and (d) (Misconduct) of the Rules of Professional Conduct as set forth in the attached Appendix when he committed the following acts:

28. Respondent then called Lt. Burrows again at approximately 8:15 p.m.⁵ Respondent was still “irate” and “agitated.” He again mentioned how he always sees Moorefield police officers on their cell phones and that he was going to contact the State Police from now on. Respondent told Lt. Burrows that he had never been treated this badly as a circuit judge and that he couldn’t believe “my boy” wouldn’t take his word for it. Respondent also mentioned being recently pulled over by the State Police for not wearing a seatbelt and that the officer let him go.
29. Respondent told Lt. Burrows that his treatment from Officer Johnson makes him question the Moorefield PD cases that he has seen. He said he was “sick and tired of Moorefield PD running around like a bunch of thugs, harassing innocent, hard-working people.” Respondent then questioned whether “my boy” should have his job in light of the former

⁵ Prior to calling Lt. Burrows, Respondent called the Honorable Charles Carl, Judge of the 22nd Judicial Circuit at approximately 8:00 p.m. The call lasted about eight minutes. Respondent told Judge Carl about the stop. According to Judge Carl, Respondent was agitated and upset. Respondent told Judge Carl that he was frustrated because the officer would not take his word that he was not using his cell phone. According to Judge Carl, Respondent was really intent on proving himself right. Judge Carl stated that Respondent also mentioned Officer Johnson’s Mineral County charges and that it was the same officer who had just pulled him over. Judge Williams also discussed seeing Moorefield Officers on their cell phones.

Mineral County charge against him. Respondent told Lt. Burrows that he couldn't believe they hired Officer Johnson and then brought him back after the charges were dismissed.

30. Respondent also referred to drugs when speaking about Officer Johnson. When Lt. Burrows advised Respondent that Officer Johnson had been cleared of the gun charge following an independent investigation and that she had never heard about drugs in relation to him, Judge Williams countered by again mentioning the shooting and drugs. Respondent then told Lt. Burrows that Moorefield PD cases were "sloppy" and that the officers do a "piss-poor" job. According to Lt. Burrows, the call lasted approximately sixteen minutes.⁶

CHARGE V

JUDGE WILLIAMS violated Rules 1.1 (Compliance With the Law), 1.2 (Confidence in the Judiciary), 1.3 (Avoiding Abuse of the Prestige of Judicial Office), 2.2 (Impartiality and Fairness), 2.3(A) and (B) (Bias, Prejudice and Harassment), 2.8(B) (Decorum, Demeanor and Communication), 2.10(A) Judicial Statements on Pending/Impending Cases), 3.1 (A), (B), (C) and (D) (Extrajudicial Activities in General of the Code of Judicial Conduct and Rules 8.4 (a) and (d) (Misconduct) of the Rules of Professional Conduct as set forth in the attached Appendix when he committed the following acts:

31. At approximately 10:00 p.m. that same evening, Respondent drove to Moorefield Mayor Carol Zuber's house. Respondent then telephoned her from outside the house, asked her if she was up even though all the lights were off in the house except for a television, and asked her if he could talk to her about the stop. Knowing he was outside the house, Mayor Zuber said, "Yes" and met him at her door. The conversation lasted approximately 45 minutes.
32. The Judge told the Mayor about the stop. He told her he wanted to file a complaint against Officer Johnson and that he wanted her to look at it. He complained that the Moorefield PD

⁶ Respondent also called Lt. Burrows again at around midnight. She did not answer the call. When she texted him the next day and apologized for not picking up, Respondent indicated that the call was accidental.

was made up of “young boys.” He made negative comments about Officer Johnson and the Moorefield PD in general. He complained that he observed Moorefield officers on their cell phones while not on official business. He indicated that he was going to start to call the State Police whenever he saw them on their phones in future. Mayor Zuber said that Respondent never mentioned whether he received a ticket from Officer Johnson and she assumed that they let him go not because he was a judge but because he was someone that didn’t cause trouble.

33. She said the Judge complained that Moorefield PD was picking on him. When asked how many times he had been pulled over by the agency, Respondent indicated twice in the last eighteen months or so. He told her about another time Officer Johnson pulled him over for running a stop sign but did not issue a ticket. He mentioned Officer Johnson’s Mineral County charges and indicated that he should have been fired. He also mentioned that the charge could be brought back up.
34. Respondent complained about Chief Rigglesman and the phone call that occurred between the two men. Respondent also told the Mayor that Moorefield PD brings some of the worst cases to his court and that the officers are unprepared for hearings. When Mayor Zuber mentioned that she would look at the body cam video in the morning, Respondent hung his head and for the first time disclosed that he had been an “asshole” during the stop.

CHARGE VI

JUDGE WILLIAMS violated Rules 1.1 (Compliance With the Law), 1.2 (Confidence in the Judiciary), 1.3 (Avoiding Abuse of the Prestige of Judicial Office), 2.2 (Impartiality and Fairness), 2.3(A) and (B) (Bias, Prejudice and Harassment), 2.8(B) (Decorum, Demeanor and Communication), 2.10(A) Judicial Statements on Pending/Impending Cases), 2.16(A) (Cooperation with Disciplinary Authorities), 3.1 (A), (B), (C) and (D) (Extrajudicial Activities in General) of the Code of Judicial Conduct and Rules 8.4 (a), (c) and (d) (Misconduct) of the

Rules of Professional Conduct as set forth in the attached Appendix when he committed the following acts:

35. At some point thereafter, Prosecutor See became involved in the matter when Chief Rigglesman contacted him about filing a Motion to Disqualify Respondent from Moorefield police cases. Prosecutor See viewed the stop video on Monday, July 12, 2021. Prosecutor See did not know what to do and contacted former Circuit Judge Donald Cookman.⁷ Judge Cookman told him to gather all the information and take it to Judge Carl and to contact the Office of Disciplinary Counsel and report it to someone there.
36. Prosecutor See called the Office of Lawyer Disciplinary Counsel on Wednesday, July 14, 2021. Prior to sending any information to Disciplinary Counsel, Prosecutor See informed Judge Carl of the incident and the need to report. Judge Carl told Prosecutor See he needed to advise Judge Williams that he was going to report him. Judge Carl offered to call Judge Williams and tell him what was going on. Prosecutor See was not present when Judge Carl made the call.
37. When Prosecutor See was on his way back to Romney, Judge Williams called him. The two then met in Judge Williams' office. After Prosecutor See told Judge Williams of his plan, Judge Williams advised that he wanted to report. According to Prosecutor See, the two then talked about Respondent getting a citation and paying it. Prosecutor See testified in his sworn statement that Respondent said Officer Johnson should not be on the force.
38. Respondent contacted Judicial Disciplinary Counsel on Thursday, July 15, 2021. JDC told Judge Williams that it had opened a complaint on him that morning but that the Judge could still report. Judge Williams acknowledged that his report was motivated by Prosecutor See's obligation to report. Respondent advised JDC of his version of the stop.

⁷ Judge Cookman retired from the bench and previously served as Chair of the Judicial Investigation Commission.

39. Respondent acknowledged that he was “very upset” and “extremely upset” during the stop. Respondent also admitted to being “very angry” with Officer Johnson. Respondent admitted identifying himself to Officer Johnson as “the Judge.” Respondent admitted to calling Lt. Burrows to “basically say I didn’t do this.” Respondent admitted asking Lt. Burrows to “talk to” Officer Johnson or “to call him” or “could you do something.” Respondent denied ever threatening Officer Johnson with jail. However, he failed to mention that he talked to others about the possibility that Officer Johnson’s Mineral County charge could be reinstated. Respondent also denied trying to have Officer Johnson fired. Yet, he failed to mention the comments he made to others, including Officer Johnson’s supervisors, about his belief that Officer Johnson shouldn’t be a police officer.
40. By letter dated July 16, 2021, Respondent reported his misconduct. On page 3 of the letter, Respondent said he “did not ask for any officer to be disciplined or jailed as may have been suggested.” On page 4 of the letter, Respondent stated:
- I have also conferred with Judge Carl, who is currently Chief Judge of our circuit, and we have determined that I will now switch criminal dockets with him, such that I am not presiding in any of MPD cases or that of the local prosecutor’s office.
41. Around the same time, Chief Rigglesman, not Officer Johnson,⁸ prepared a ticket charging Respondent with improper use of a cell phone in violation of W. Va. Code § 17C-4-15 and driving without a valid license in violation of W. Va. Code § 17B-2-12. Based upon information and belief, the ticket was served on Respondent sometime during the week of July 26, 2021, when he returned from a week’s vacation.
42. Respondent negotiated a plea deal with Prosecutor See’s Office where he would plead no contest to the driving without a valid license and in exchange the cell phone charge would

⁸ W. Va. Code § 62-1-5a states that a police officer may issue a citation in lieu of an arrest for any misdemeanor, not involving injury to the person, that is committed in the officer’s presence.

be dismissed without prejudice. A Hardy County magistrate accepted the plea offer and ordered Respondent to pay a \$30.00 fine and court costs.

CHARGE VII

JUDGE WILLIAMS violated Rules 1.1 (Compliance With the Law), 1.2 (Confidence in the Judiciary), 1.3 (Avoiding Abuse of the Prestige of Judicial Office), 2.2 (Impartiality and Fairness), 3.1(C) (Extrajudicial Activities in General of the Code of Judicial Conduct and Rules 8.4 (a) and (d) (Misconduct) of the Rules of Professional Conduct as set forth in the attached Appendix when he committed the following acts:

43. W. Va. Code § 17C-3-4(a) states:

The driver of any vehicle and the operator of any streetcar shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

A violation of this provision is a misdemeanor and upon conviction, a person shall be fined not more than \$100.00. Upon a second conviction within one year thereafter, the person shall be fined not more than \$200. Upon conviction for a third offense, the person shall be fined not more than \$500.00 *See* W. Va. Code § 17C-3-4(b). Those who run a stop sign may also receive three points on their driver's license.

44. On or about January 20, 2020, Officer Johnson pulled Respondent over for running a stop sign. Officer Johnson said that Respondent immediately identified himself as Judge Williams. Officer Johnson said that Respondent was polite during the stop and that he did not give him a ticket.

45. During his sworn statement, Respondent admitted to running the stop sign.

CHARGE VIII

JUDGE WILLIAMS violated Rules 1.1 (Compliance With the Law), 1.2 (Confidence in the Judiciary), 3.1(C) (Extrajudicial Activities in General of the Code of Judicial Conduct and Rules 8.4 (a) and (d) (Misconduct) of the Rules of Professional Conduct as set forth in the attached Appendix when he committed the following acts:

46. W. Va. Code § 17A-9-2 governs operation of a vehicle without evidence of registration and states:

(a) No person shall operate, nor shall an owner knowingly permit to be operated upon any highway any vehicle required to be registered under this article unless there shall be attached to and displayed thereon or shall be in possession of the operated when and as required by this chapter a valid registration card and registration plate or plates issued therefor by the department for the current registration, except as otherwise expressly permitted in this chapter.

...

(c) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500; and upon a second or subsequent conviction thereof shall be fined not more than \$500, or confined in the county or regional jail not more than six months or both.

47. On or about September 29, 2020, The WVDMV notified Respondent in writing that his registration on his red Nissan truck would expire on November 1, 2020. Respondent failed to renew his registration in a timely manner.

48. In November 2020, West Virginia State Police (“WVSP”) Corporal Eric Vaubel was at the Courthouse and observed the red Nissan truck in the parking lot with an expired sticker on the license plate. The expired sticker was scratched up and looked like it was current. Corporal Vaubel found out that the truck belonged to Respondent and did not report it to anyone.

49. On or about April 8, 2021, Corporal Vaubel was on a grant funded overtime detail when he noticed the red Nissan truck coming through. Corporal Vaubel stopped the truck. He

recognized Respondent, who was driving the vehicle and told him that his sticker had expired. He said Respondent was courteous during the stop.

50. Corporal Vaubel told Respondent that he had first noticed the dead sticker in the courthouse parking lot in November. Judge Williams asked him why he didn't come find him then. Corporal Vaubel explained that he didn't have access because the Judge was behind locked doors and had a lot going on. Corporal Vaubel did not give Respondent a ticket but did issue a warning since he was on a specific grant funded detail and needed to demonstrate that he was actually working at that time.
51. In his sworn statement, Respondent admitted to the conduct set forth in Paragraph Nos. 48-50 above.

CHARGE IX

JUDGE WILLIAMS violated Rules 1.1 (Compliance With the Law), 1.2 (Confidence in the Judiciary), 1.3 (Avoiding Abuse of the Prestige of Judicial Office), 2.2 (Impartiality and Fairness), 3.1(C) (Extrajudicial Activities in General of the Code of Judicial Conduct and Rules 8.4 (a) and (d) (Misconduct) of the Rules of Professional Conduct as set forth in the attached Appendix when he committed the following acts:

52. W. Va. Code § 17C-15-49(a) states:

A person may not operate a passenger vehicle on a public street or highway of this state unless the person, any passenger in the back seat under 18 years of age, and any passenger in the front seat of the passenger vehicle is restrained by a safety belt meeting applicable federal motor vehicle safety standards.

Violators of this provision can be fined \$25.00 and no points may be entered on any driver's record maintained by WVDMV. See W. Va. Code §§ 1C-15-49(c) and (d).

53. In Summer 2019 or 2020, Corporal Vaubel stopped Respondent for not wearing a seat belt. Corporal Vaubel was on a "Click It or Ticket" detail when he observed Respondent driving without the seatbelt. Respondent stated that he did not recognize Judge Williams but that

Respondent immediately identified himself as “Judge Williams.” Corporal Vaubel did not give him a ticket. He testified that the Judge’s demeanor was “fine” during the stop.

54. During his sworn statement, Respondent admitted to not wearing a seat belt.

CHARGE X

JUDGE WILLIAMS violated Rules 1.1 (Compliance With the Law), 1.2 (Confidence in the Judiciary), 3.1(C) (Extrajudicial Activities in General of the Code of Judicial Conduct and Rules 8.4 (a) and (d) (Misconduct) of the Rules of Professional Conduct as set forth in the attached Appendix when he committed the following acts:

55. Paragraph No. 52 above is re-alleged and re-incorporated herein.
56. In April or May 2021, WVSP Trooper Benjamin Thorn was working a “Click It or Ticket” when he stopped Respondent for a seatbelt violation. Respondent was driving his red Nissan truck. At first, Trooper Thorn did not recognize him, and Respondent did not tell him he was Judge Williams. Trooper Thorn asked to see Respondent’s license. As soon as he looked at the name, he realized he had stopped a judge. Trooper Thorn then handed back Respondent’s license without looking to see whether it had expired. Trooper Thorn decided not to write Respondent a ticket or a warning because he “didn’t find a need to stir the hornet’s nest for such a minor violation” He also said he wasn’t going to write a ticket when “I’ve got felony cases in front of him in circuit court that he rules on. Ultimately, I care more about those felonies; so yeah in lieu of the scheme of everything, keep the judge happy and my cases will – cause you know he has a lot of discretion in things” (Thorn Interview at 10:40 to 11:00). Trooper Thorn testified that Respondent was polite, cordial and apologetic during the stop.
57. During his sworn statement, Respondent admitted to not wearing a seat belt.

CHARGE XI
(PATTERN AND PRACTICE)

The Commission finds that there is probable cause to believe that Judge Williams also engaged in a pattern and practice of using his public office for private gain and violating state traffic laws:

- 58. Respondent engaged in a pattern and practice of using his public office for private gain as set forth in Charges I, II, IV-VII, and IX above.
- 59. Respondent engaged in a pattern and practice of violating state traffic laws as set forth in Charges I and VII through X above.

AGGRAVATING FACTORS

The Commission finds the following aggravating factors with respect to Respondent:

- 60. After being warned that his driver's license had expired, Respondent continued to drive his vehicle.
- 62. Between April and July 2021, Respondent was pulled over for three different traffic violations in and around Hardy County.

MITIGATING FACTORS


The Commission finds the following mitigation with respect to Respondent:

- 60: Respondent has not been the subject of any prior discipline while serving as a lawyer or a judge; and
- 61: Respondent was cooperative with the JIC investigation which occurred prior to the filing of these charges.

Judge Williams is advised that he has the right to file responsive pleadings to the charges made against him not more than 30 days after service of the formal charges upon him by the Clerk of the Supreme Court of Appeals of West Virginia. Any such pleadings shall be filed with the Clerk of

the Supreme Court of Appeals and the Office of Disciplinary Counsel. For good cause shown, the Office of Disciplinary Counsel may extend the time for filing such pleadings. *See* Rule 2.10 of the Rules of Judicial Disciplinary Procedure.

STATEMENT OF CHARGES issued this 22nd day of October, 2021.



The Honorable Alan D. Moats, Chairperson
Judicial Investigation Commission

APPENDIX

WEST VIRGINIA CODE OF JUDICIAL CONDUCT

Rule 1.1 – Compliance With the Law

A judge shall comply with the law, including the West Virginia Code of Judicial Conduct.

Rule 1.2 -- Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Rule 1.3 – Avoiding Abuse of the Prestige of Judicial Office

A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.

Rule 2.2 – Impartiality and Fairness

A judge shall uphold and apply the law and shall perform all duties of judicial office fairly and impartially.

Rule 2.3 – Bias, Prejudice and Harassment

- (A) A judge shall perform the duties of judicial office, including administrative duties without bias or prejudice.
- (B) A judge shall not in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice or harassment based upon race, . . . age . . . socioeconomic status or political affiliation. . . .

Rule 2.8 – Decorum, Demeanor and Communication

- (B) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials and others with whom the judge deals in an official capacity

Rule 2.10 – Judicial Statements on Pending/Impending Cases

- (A) A judge shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court, or make any nonpublic statement that might substantially interfere with a fair trial or hearing.

Rule 2.16 – Cooperation with Disciplinary Authorities

- (A) A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.
- (B) A judge shall not retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a judge or a lawyer.

Rule 3.1 – Extrajudicial Activities in General

A judge may engage in extrajudicial activities, except as prohibited by law or this Code. However, when engaging in extrajudicial activities, a judge shall not:
...

- (A) participate in activities that will interfere with the proper performance of the judge's judicial duties;
- (B) participate in activities that will lead to frequent disqualification of the judge;
- (C) participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity or impartiality;
- (D) engage in conduct that would appear to a reasonable person to be coercive;

WEST VIRGINIA RULES OF PROFESSIONAL CONDUCT

Rules 8.4. Misconduct.

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
...
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- (d) engage in conduct prejudicial to the administration of justice.

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

**IN THE MATTER OF:
THE HONORABLE C. CARTER WILLIAMS,
JUDGE OF THE 22ND JUDICIAL CIRCUIT**

**SUPREME COURT NO. 21-0698
JIC COMPLAINT NOS. 78 -2021
81-2021**

**RULE 2.8 NOTICE OF FILING OF
FORMAL STATEMENT OF CHARGES**

Comes now Judicial Disciplinary Counsel pursuant to Rule 2.8 of the Rules of Judicial Disciplinary Procedure and provides notice to the Honorable C. Carter Williams, Judge of the 22nd Judicial Circuit, by facsimile transmission, email and United States Mail that on the 25th day of October 2021, she duly filed the attached Formal Statement of Charges in the above-captioned matter with the Clerk of the Supreme Court of Appeals of West Virginia by hand delivering the original and ten copies to the Clerk's Office located at the Capitol Complex, Building One, Room E-317, 1900 Kanawha Boulevard East, Charleston, West Virginia 25305.

Respectfully submitted,



Teresa A. Tarr, Counsel
WV Bar I.D. No. 5631
Judicial Investigation Commission
City Center East Suite 1200A
4700 MacCorkle Avenue SE
Charleston, WV 25304
(304) 558-0169
(304) 558-0813

teresa.tarr@courtswv.gov

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

**IN THE MATTER OF:
THE HONORABLE C. CARTER WILLIAMS,
JUDGE OF THE 22ND JUDICIAL CIRCUIT**

**SUPREME COURT NO. 21-0698
JIC COMPLAINT NOS. 78 -2021
81-2021**

CERTIFICATE OF SERVICE

I, Teresa A. Tarr, Counsel for the Judicial Investigation Commission, do hereby certify that I served the Notice of Filing of a Formal Statement of Charges and a true and accurate copy of the Formal Statement of Charges on Respondent by placing the same in the United States mail first-class postage pre-paid and addressed as follows: J. Michael Benninger, Esquire, Counsel for Respondent, 10 Cheat Landing, Suite 100, Morgantown, WV 26508; by facsimile transmission to (304) 241-1857; and by email to mike@benningerlaw.com on this the 25th day of October 2021.



Teresa A. Tarr, Counsel
Judicial Investigation Commission
WV Bar I.D. No. 5631
City Center East, Suite 1200 A
4700 MacCorkle Avenue
Charleston, WV 25304
(304) 558-0169
(304) 558-0831 (fax)

teresa.tarr@courtswv.gov