

**IN THE CIRCUIT COURT OF LEWIS COUNTY, WEST VIRGINIA**

STATE OF WEST VIRGINIA,  
Plaintiff,  
vs.

Case No. 15-M-AP-2  
Judge Jacob E. Reger

JENNIFER RUTH LEESON,  
Defendant.

**ORDER FROM BENCH TRIAL**

CIRCUIT CLERK

LEWIS COUNTY, WV  
FILED  
2011 OCT 23 P 2:47

On the 4<sup>th</sup> day of May, 2016, the above captioned case came on for a bench trial pursuant to *Amended Order* entered on the 2<sup>nd</sup> day of May, 2016 in accordance with West Virginia Code §50-5-13(b). Whereupon, the following parties were present: the State of West Virginia, by Kurt W. Hall, Assistant Prosecuting Attorney for Lewis County, West Virginia; also came Jennifer Ruth Lecson, appearing in person, *pro se*.

Whereupon the Court asked if the parties were ready to proceed.

Thereupon the Court directed a non-attorney seated at defense counsel table to sit in the gallery.

Thereupon both the State and the Defendant indicated they were prepared to proceed.

Thereupon the Defendant sought to enter a plea of guilty.

Thereupon the Defendant began asking the Court numerous questions under the pretext of "point of clarification."

Thereupon the Court answered several "point of clarification" questions until such questioning became inappropriate. The Court will address the *pro se* status of the Defendant in this action. "When a litigant chooses to represent himself, it is the duty of the trial court to insure fairness, allowing reasonable accommodations for the pro se litigant so long as no harm is done

an adverse party.... Most importantly, the trial court must strive to insure that no person's cause or defense is defeated solely by reason of their unfamiliarity with procedural or evidentiary rules." *State ex rel. Dillon v. Egnor*, 188 W.Va. 221, 227, 423 S.E.2d 624, 630 (1992) (internal quotations and citation omitted). "At the same time, [The Supreme Court of Appeals of West Virginia] has also recognized that a court must not overlook the rules to the prejudice of any party. The court should strive, however, to ensure that the diligent pro se party does not forfeit any substantial rights by inadvertent omission or mistake. Cases should be decided on the merits, and to that end, justice is served by reasonably accommodating all parties, whether represented by counsel or not." *Blair v. Maynard*, 174 W.Va. 247, 253, 324 S.E.2d 391, 396 (1984). *Board of Zoning Appeals of Town of Shepherdstown v. Tkacz*, 764 S.E.2d 532, 536-37, 234 W.Va. 201, 205-06 (2014).

"'Reasonable accommodation' does not, however, require a court to cross the fine line between accommodating a litigant and advocating for the litigant. Nor does it require the Court to give legal counsel. Ultimately, the pro se litigant bears the responsibility and the consequences of his mistakes and errors." *WV Dept. of Health & Human Resources Employees Federal Credit Union*, 215 W.Va. 387, 599 S.E.2d 810." *Daye v. Plumley*, 2014 WL 1345493 (2014).

The "point of clarification" questions being asked by the Defendant crossed the line from being reasonable accommodations to being paramount to legal advice.

Thereupon, the Court advised the Defendant that the Defendant could enter a plea of guilty or proceed with the previously scheduled bench-trial.

The Defendant objected to moving forward without completing her list of "points of clarification."

The Court **DENED** the Defendant's objection.

Whereupon the Court heard arguments regarding the pending motion to strike complaint, motion for disqualification, motion to dismiss for prosecutorial misconduct, motion to dismiss for conflict of interest, and motion in limine.

Thereupon said motions were **DENIED** for the reasons set forth upon the record.

Whereupon, the Court proceeded to bench trial.

Thereupon, the State proceeded to its case-in-chief by calling Sarget Chad Moneypenny with the Lewis County Sheriff's Department and then rested.


Whereupon the Defendant chose not to testify in the matter and had no witnesses to call.

Thereupon, the Court, after considering the evidence and hearing the arguments of the State and the Defendant, **FINDS** the Defendant **GUILTY** of the offense of speeding in violation of W. Va. Code § 17C-6-1 and the offense of driving a vehicle without an operator's license, in violation of W. Va. Code § 17B-2-1.

Whereupon the Court **SENTENCED** the Defendant to a fine in the amount of fifty dollars (\$50) on the speeding charge, plus court-costs, and a fine in the amount of two hundred and fifty dollars (\$250) on the driving a vehicle without an operator's license, plus court costs.

The Lewis County Circuit Clerk is hereby **DIRECTED** to send a copy of this order to all parties of interest.

ENTERED this 19<sup>th</sup> day of October, 2017.

  
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Jacob E. Reger  
Circuit Court Judge