IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

STATE OF WEST VIRGINIA ex rel. CHRISTOPHER ADAM JACKSON,

Petitioner,

v.

TOM TRUMAN,

Prosecuting Attorney of Raleigh County, West Virginia,

in his official capacity,
and

DEAN R. BAILEY,

Chief of Police of the City of Beckley, West Virginia,

in his official capacity,

Respondents.

VERIFIED PETITION FOR WRIT OF MANDAMUS TO COMPEL PRESERVATION, VERIFIED CUSTODIAL ACCOUNTING, AND PRODUCTION OR IN-CAMERA SUBMISSION OF CRIMINAL-CASE SOURCE EVIDENCE; REQUEST FOR RULE TO SHOW CAUSE AND FACTUAL DEVELOPMENT UNDER *RULE 16(k)–(l)*

CHRISTOPHER ADAM JACKSON,

Petitioner, ***Pro Se***

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QUESTIONS PRESENTED

1. Whether a rule to show cause and writ of mandamus should issue where the certified criminal record, later-obtained source evidence, repeated discovery demands, and an authenticated May 2025–January 2026 Atterson communication record identify concrete categories of governmental evidence that were referenced, possessed, generated, transmitted, or discussed during Magistrate Court Case Nos. 25-M41M-02316, 25-M41M-02354, and 25-M41M-02955, yet the present record still does not establish what BPD and the Prosecuting Attorney possessed, what was transmitted, what was disclosed, and what became of missing source materials.

2. Whether Respondent Truman must provide a verified three-case custodial and disclosure accounting, and produce or submit for in-camera review material favorable evidence, where West Virginia law imputes participating police investigators' knowledge to the prosecutor, extends Brady protections to the plea-negotiation stage, and recognizes the constitutional importance of an enforceable criminal-discovery system.

3. Whether Respondent Bailey must immediately preserve and identify the BPD source record—including Dickens's body-worn-camera evidence, RMS records, original witness statements, attachment histories, audit logs, lobby evidence, Atterson–Dickens communications concerning contrary evidence, the four May 8 native MP4 attachment objects, command/complaint records bearing on Atterson's participation, the August 2017-incident charging episode, and January 2026 communications concerning Atterson's anticipated testimony—where those municipal records are the objective means of resolving specific contradictions already demonstrated by the Appendix.

4. Whether the Court should employ ***Rule 16(k)*** factual development and, if necessary, ***Rule 16(l)*** reference to a special master when Respondents' answers create genuine factual disputes concerning the existence, number, provenance, custody, transmission, disclosure, loss, destruction, privilege status, present location, or witness-access history of the identified evidence and communications.

Petitioner Christopher Adam Jackson, appearing pro se, invokes the original jurisdiction of this Court under ***W. Va. Const. art. VIII, § 3***, ***W. Va. Code §§ 53-1-2 through 53-1-5, and Rule 16 of the West Virginia Rules of Appellate Procedure. This Petition is verified and is accompanied by an Appendix consecutively paginated Appx. 1–477 and a contemporaneous Rule 16(e)***(5) motion addressing provisionally included material.

I. STATEMENT OF THE CASE

1. This is an original-jurisdiction mandamus proceeding directed to the governmental evidence pipeline underlying three Raleigh County magistrate prosecutions: 25-M41M-02316, 25-M41M-02354, and 25-M41M-02955. Petitioner does not ask this Court to command a prosecution, dictate a charging decision, or accept an accusation of misconduct as proven. He asks the Court to require the two governmental custodians at the center of the record to preserve the evidence, identify what existed, certify what moved between police and prosecutor, account for what reached the defense, and produce or submit for neutral review material that the Constitution and the criminal-discovery process required to be disclosed.

2. Respondent Tom Truman is named in his official capacity because the Raleigh County Prosecuting Attorney's Office prosecuted the criminal matters, received investigative material, controlled prosecutorial discovery, communicated with defense counsel, participated in the August 2025 disposition process, later received a separate WVSP investigative report, and directly responded to Petitioner's later requests concerning missing evidence and the reasons the cases were resolved. ***(Ex. P, Appx. 153–173; Ex. T, Appx. 419–424.)***

3. Respondent Dean R. Bailey is named in his official capacity because the Beckley Police Department was the principal originating law-enforcement agency for the May 5 and May 6 prosecutions. The disputed source material is not abstract: it includes Officer Seth Dickens's native body-worn-camera files, RMS records, original statements, attachments, evidence-system histories, supervisory communications, lobby-access records, Atterson–Dickens communications regarding

contrary evidence, and records of repeated charging activity involving the same complainants. ***(Exs. A–D, Appx. 1–28; Exs. I–M, Appx. 68–114; Exs. U–AD, Appx. 425–477.)***

4. The present petition is deliberately narrower than the many disputes surrounding Petitioner. It does not ask this Court to adjudicate unrelated civil, family, insurance, or disciplinary claims. It uses such matters only where a specific source record bears directly upon who supplied criminal allegations, what evidence government actors possessed, whether materially inconsistent information existed, whether source records were preserved, and whether the defense received them.

5. The need for a judicially enforceable accounting is demonstrated by the record itself. The May 5 BPD packet promises a written statement and contains a later-obtained handwritten statement materially different from the April 23 predicate. The May 6 BPD report promises another written statement; Sgt. Atterson's review of Dickens's BWC describes not one statement but a plural statement-generation process involving ***"Sarah and them," "them," "they,"*** and ***"statements."*** The native May 6 recording materially conflicts with the charged narrative. The authenticated Atterson record further preserves repeated statements that he notified Dickens of contrary evidence, memorializes four May 8 video attachments and contemporaneous Atterson–Dickens contact, identifies a separate August 2017-incident charging episode, and documents a January 2026 shift from confirmed availability to an unexplained statement that he would not be testifying. The surviving 02955 conviction rests upon an alleged May 23 jail-system communication, yet the later complete ViaPath report associated with Petitioner's identified PIN contains no May 23 activity. And the August 28 signed disposition says 02316 and 02354 were ***"Dismissed by State Not per Agreement,"*** while later certified records characterize the dismissals as plea-agreement dispositions. ***(Ex. B, Appx. 6–14; Ex. F, Appx. 37–62; Ex. H, Appx. 66–67; Ex. M, Appx. 95–114; Exs. Q–S, Appx. 174–418; Exs. U–AD, Appx. 425–477.)***

6. Those are not generalized suspicions. They are concrete, document-specific conflicts. The requested writ is designed to force an accountable answer to each one.

A. THE APRIL 23–MAY 5 RECORD PRESENTS A SOURCE-PROVENANCE CONFLICT THAT THE LATER FORENSIC EXAMINATION MAKES IMPOSSIBLE TO DISMISS AS A CREDIBILITY DISPUTE.

7. The April 23 DVP allegations presently available to Petitioner alleged grave threats but did not state that Petitioner struck Sarah Abrams, grabbed her, or otherwise laid a hand upon her. ***(Ex. J, Appx. 74.)***

8. Twelve days later, in the May 5 handwritten statement contained in the BPD packet, Sarah Abrams wrote: ***"He is saying we obtained the DVP falsely. Its because He laid a Hand on me."*** She also represented that the alleged communications were saved on her phone and on a thumb drive. ***(Ex. I, Appx. 68–73.)***

9. Dickens's May 5 police narrative demonstrates detailed familiarity with the protective order and service history. It further states that the allegations were captured on his body-worn camera and that Sarah's written statement would be attached. ***(Ex. D, Appx. 26–28; Ex. I, Appx. 68–73.)***

10. The issue is not whether an officer was required to refuse a later witness statement. The issue is whether the government could use a materially new factual predicate—physical contact asserted as the reason for the original DVP—without preserving, reconciling, and disclosing the source record against which that new assertion could be tested. That question is especially consequential because Dickens was serving in BPD's domestic-violence function, and his own report shows specific knowledge of the DVP's existence and service history.

11. West Virginia's warrant-integrity law makes the omission issue legally concrete. ***State v. Thomas***, 187 W. Va. 686, 421 S.E.2d 227 (1992), explains that police need not place every fact in a warrant affidavit but ***"may not omit facts from their affidavit that they know tend to diminish probable cause."*** The present Petition does not assume that Dickens personally reviewed every page of the April 23 petition; it seeks the BPD records that establish what he reviewed, what he knew, and whether the materially different May 5 physical-contact premise was reconciled or disclosed when criminal process was sought.

12. The May 5 evidentiary conflict is now substantially more serious because Precision Legal later performed a full file-system forensic examination of Petitioner's device. The report tested the communications attributed to Petitioner, including ***"burn the house down," "tear the house down with the excavator," "brick by brick," "you are going to drop the DVP or else,"*** and the alleged Airbnb-supplies communication. ***(Ex. K, Appx. 75–87.)***

13. The examiner used hash-verified acquisition and documented chain-of-custody procedures, and reviewed native SMS/MMS databases, third-party messaging stores, system notifications, deleted remnants, WAL files, unallocated space, usage artifacts, thread continuity, and associated metadata. ***(Ex. K, Appx. 75–87.)***

14. The report concluded that there was no reliable device-resident evidence that the identified alleged communications were authored, transmitted, stored, received, or processed by Petitioner's device; no deleted fragments or thread discontinuities sufficient to explain their disappearance; no identified carrier or platform corroboration; and no evidence of wiping or subject-side spoliation. It further identified screenshot-anomaly categories requiring native-source authentication. ***(Ex. K, Appx. 75–87.)***

15. The May 5 comparison matrix is included only as a roadmap to the underlying primary sources. It organizes the chronological shift in the twelve-hour reentry narrative, omitted property-destruction allegations, reformulated threat language, the later-added physical-contact predicate, and the forensic no-hit findings. It is not offered as a substitute for the actual police packet, handwritten statement, April 23 petition, or forensic report. ***(Ex. L, Appx. 88–94.)***

16. The resulting production issue is precise: if BPD or the Prosecuting Attorney possessed screenshots, thumb-drive files, exports, forwarded messages, or other representations purporting to establish those communications, Respondents must identify the native source, the original transmission, metadata, chain of custody, and authentication record for each item, and must disclose whether those source materials were ever produced to defense counsel.

B. THE MAY 6 RECORD AFFIRMATIVELY INDICATES A MISSING STATEMENT SET—PLURAL—NOT MERELY ONE MISSING STATEMENT.

17. Dickens's May 6 charging narrative expressly states that Sarah Abrams provided a written statement and that it ***"will be attached to this report." (Ex. A, Appx. 1–5.)*** The promised May 6 statement has never been produced to Petitioner.

18. That omission cannot now be treated as a single missing attachment. In the December 8 recorded conversation, Sgt. Bryan Atterson states that he personally reviewed Dickens's May 6 body-worn-camera recording. He states, in substance, that Dickens did not watch the alleged dealership video and describes a materially broader statement-generation process. ***(Ex. B, Appx. 6–14.)***

19. Atterson describes Dickens directing ***"Sarah and them"*** to prepare a statement, being present ***"long enough for them to write statements,"*** and the group dynamic in which ***"they tell him what happened"*** and Dickens directs that it be written down. ***(Ex. B, Appx. 6–14.)***

20. The repeated plural language is not incidental. Dickens's official report identifies only one promised Sarah Abrams statement. Atterson's account after viewing the native BWC identifies multiple participants supplying information and preparing ***"statements." (Ex. B, Appx. 6–14; Ex. M, Appx. 95–114.)***

21. The resulting question is therefore not merely, ***"Where is Sarah Abrams's May 6 statement?"*** It is: who were ***"them"*** and ***"they"***; how many written statements were created; who authored each; what did each say; how were the statements scanned, uploaded, attached, routed, or separated; which were transmitted to prosecutors; which were produced to the defense; and what became of any statement that is now missing. ***(Ex. M, Appx. 95–114.)***

22. The BWC is the objective key to that question. It can identify who was present, who spoke, who was instructed to write, whether a surveillance recording was actually played, how long Dickens remained, and what investigative steps occurred before he announced his intention to seek a warrant. ***(Ex. B, Appx. 6–14.)***

23. The native May 6 recording independently provides the objective comparator. The Appendix preserves the authenticated source file and stills showing the refund-check encounter and Petitioner's departure. ***(Ex. F, Appx. 37–62.)***

24. Christine Rasnake's sworn evidence concerning the May 16 liberty proceeding further demonstrates why the missing statement set matters. Her affidavit recounts testimony that Petitioner came to ***"attack Sarah,"*** caused Sarah to barricade herself in an office, attempted entry, and terrified those present, while Petitioner sought to present contrary evidence. ***(Ex. C, Appx. 15–25.)***

25. The missing May 6 writings therefore bear directly upon provenance: whether the barricade, attempted-entry, attack-purpose, fear, escort, parking, and surveillance-video propositions originated with Sarah, Chad Hopkins, Rachel Hopkins, another employee, or some combination of them, and whether the written accounts were mutually consistent before those allegations reached the May 16 hearing.

26. The May 6 demonstrative matrix is included only to organize those primary-source conflicts. The writ must compel the source evidence itself. ***(Ex. M, Appx. 95–114.)***

C. THE AUTHENTICATED ATTERSON RECORD ESTABLISHES CONTEMPORANEOUS NOTICE, REPEATED MEMORIALIZATION, AND A DEFINED WITNESS-ACCESS RECORD REQUIRING PRESERVATION.

27. The supplemental Atterson material is not a collection of unverified screenshots. The TextExhibit verification report identifies twenty-one monthly exports from Petitioner's S25 Ultra, serial number R5CXC3H207H, consecutively Bates numbered ATTERSON-000001 through ATTERSON-000584, with file-level cryptographic hashes. Petitioner relies on selected native export pages and separately preserved call transcripts rather than asking this Court to accept a retrospective summary. ***(Ex. U, Appx. 425–429.)***

28. On May 2, 2025—before the May 5 and May 6 charges—Atterson wrote after reviewing favorable video evidence concerning the DVP circumstances that it ***"proves ur case"*** and characterized

the DVP as unfounded. The significance is limited but important: Atterson's favorable assessment did not originate months later after litigation began. ***(Ex. V, Appx. 430–437.)***

29. On May 8, two days after the Lewis Nissan event, the authenticated thread shows Petitioner telling Atterson, ***"Watch that video again,"*** while comparing the video to the accusation. It also identifies four MP4 attachments sent by Atterson—video_20250508_075047_021.mp4, video_20250508_075050_022.mp4, video_20250508_075054_023.mp4, and video_20250508_075058_024.mp4. Petitioner does not assign content to those native objects without the files. Later that day, Atterson wrote that ***"there was nothing mentioned about the check"*** and characterized the encounter as ***"a ploy to get u out there and get another warrant on u"***; on May 9 he wrote that he had spoken to Dickens that day and Dickens said he would escort Petitioner. These entries define native-attachment and Atterson–Dickens source records without asking the Court to adopt Atterson's opinion about motive. ***(Ex. V, Appx. 430–437.)***

30. The later record shows that Atterson's involvement was not institutionally invisible. In ATT-1 on August 7, he said he had gone to Petitioner's property for a burglary-related evidentiary purpose, had been ***"scolded for being at your place,"*** and was told not to be ***"hanging out over there."*** In ATT-2 on August 10 he stated, ***"they shut me down, man."*** On August 11 he wrote that BPD administration treated him ***"like I'm criminal for associating with u"*** and regarded him as biased because of an Abrams complaint. These are Atterson's descriptions of departmental scrutiny; whether an actual restriction existed is a question for the underlying complaint, directive, supervisory, and internal-communication records. ***(Ex. W, Appx. 438–440; Ex. AA, Appx. 450–457; Ex. AB, Appx. 458–464.)***

31. The August 14 ATT-5 call identifies a separate charging episode that must be included in the governmental contact ledger. Atterson stated that Sarah Abrams prepared and signed a two-page statement about an alleged 2017 incident; that Allard called Dickens and directed him to prepare a report despite the age of the allegation; and that Dickens took the report to the Prosecuting Attorney's Office. Atterson separately stated that he saw Alan David Abrams at BPD's front window but

expressly said he did not hear what Abrams was discussing. The writ therefore should require the Sarah statement, BPD intake, Dickens report, any Allard–Dickens directive or communication, prosecutor transmittal/intake, and disposition or declination record—without attributing that specific charging effort to Alan Abrams absent proof. ***(Ex. AC, Appx. 465–470.)***

32. On August 24, Atterson wrote that he had personally viewed video concerning both Sarah and the dealership, compared those videos to the criminal complaints, and concluded, ***"They lied."*** He further wrote that he could testify that he told Dickens not to pursue the complaints, that Dickens had been pressured by Allard, and that Allard had told Atterson not to be at Petitioner's house and had challenged his association with Petitioner. On August 27, Atterson again wrote that he had told Dickens not to file because the allegation was false and attributed to Dickens the statement, ***"Allard told me to do it, I dont have a choice." (Ex. W, Appx. 438–440.)***

33. The August 27 recorded ATT-7 call independently preserves the same core account in greater detail. Atterson stated that he called Dickens, described the allegation that Sarah was barricaded while Petitioner attempted entry, told Dickens that Petitioner's video ***"completely contradicts"*** the criminal reports, warned that filing without considering that evidence would be wrong, and told him to investigate both sides. Atterson attributed Dickens's response to an order from Allard and again recounted, in substance, that Dickens felt he had no choice. ***(Ex. O, Appx. 130–152.)***

34. On September 21, Atterson wrote that he could testify that he contacted Dickens, disclosed the exculpatory evidence Petitioner possessed, urged further investigation, and that Dickens responded that Allard told him to obtain warrants and he felt obligated to follow his superior. On September 29, Atterson said he wanted to help but preferred a subpoena so his appearance would be compelled and ***"there's nothing … that can be said."*** The first entry preserves the asserted Dickens notice; the second supports preservation of witness-access communications but does not prove who, if anyone, created the perceived pressure. ***(Ex. X, Appx. 441–442.)***

35. A separate November 25 recorded call, now sourced directly, continues the same account. Atterson said he would ***"break down the whole Lewis Nissan incident"*** and what he told Dickens about the stories not matching; later he stated that he told Dickens there was ***"exculpatory evidence that exonerates Adam,"*** that Dickens had an obligation to review the video, and that Dickens ***"chose to follow wrong orders instead of his obligation, and duty."*** On December 11, after the December 8 BWC review already described in this Petition, Atterson wrote, ***"I will testify for u."*** These sources show continuity of the account and willingness to testify into December. ***(Ex. B, Appx. 6–14; Ex. Y, Appx. 443–444; Ex. AD, Appx. 471–477.)***

36. The January 4–10, 2026 sequence presents a finite witness-access question. On January 4, Atterson wrote that he had never received the subpoena and no City attorney had contacted him, then confirmed, ***"Yeah I can be there for sure."*** On January 6 he wrote, ***"I won't be there. I'll explain later"***; on January 7, ***"Basically that I wasn't going to be testifying so don't waste my time."*** Yet on January 10 he reaffirmed that Dickens told him the Deputy Chief directed the warrants and ended, ***"Mail my subpoena."*** The record does not establish who, if anyone, caused the change. That unresolved source question supports preservation of BPD/City communications concerning the subpoena, appearance, or testimony. ***(Ex. Z, Appx. 445–449.)***

D. THE RECORD ESTABLISHES REPEATED PRE-DISPOSITION DEMANDS FOR DISCOVERY, PRESERVATION, WITNESS STATEMENTS, VIDEO, AND FAVORABLE EVIDENCE.

37. This was not a case in which the defense first asked for source evidence after the prosecutions ended. The certified magistrate packets contain repeated discovery and preservation efforts while the cases were active. ***(Ex. Q, Appx. 174–241; Ex. R, Appx. 242–395.)***

38. The certified materials include a June 2025 counsel packet directed to the three criminal cases and requesting discovery, preservation of audio/video/digital evidence, and early production of witness statements. The record contains proof of service upon the Raleigh County Prosecuting Attorney. ***(Exs. Q–R, Appx. 174–395.)***

39. On June 17, 2025, Petitioner separately filed pro se discovery and ***Brady*** demands concerning the criminal matters. Those filings sought investigative material, recorded statements, surveillance, forensic testing, tangible evidence, changed witness accounts, outside information sources, electronic witness contacts, and evidence tending to negate guilt or undermine reliability. ***(Ex. E, Appx. 29–36.)***

40. Counsel Timothy Lupardus later filed another ***Brady*** disclosure motion and discovery demand. The certified record reflects questions directed to withheld witness information, changed accounts, electronic communications, police video, surveillance, and favorable evidence. ***(Exs. Q–R, Appx. 174–395.)***

41. Thus, the relevant governmental actors were repeatedly placed on notice—before final disposition—that the defense sought the original statements, police media, surveillance, electronic source material, authentication information, and favorable evidence now at issue. This history matters under ***State ex rel. Rusen v. Hill***, 193 W. Va. 133, 454 S.E.2d 427 (1994), because an operative criminal-discovery system implicates constitutional fairness when the State fails to comply with its disclosure obligations.

42. It also matters under ***State ex rel. Games-Neely v. Overington***, 230 W. Va. 739, 742 S.E.2d 427 (2013), which rejected a cramped reading of magistrate-court discovery and explained that ***Rule 29*** of the West Virginia Rules of Criminal Procedure for Magistrate Courts is not to be read as an exhaustive ceiling disconnected from other law governing relevant and material criminal discovery.

43. The present petition therefore does not ask this Court to invent discovery rights retroactively. It asks the Court to determine what became of evidence specifically requested while the cases were active and what the State's own files show was received and disclosed.

E. THE SURVIVING 02955 CONVICTION PRESENTS A SEPARATE, TECHNICALLY VERIFIABLE ATTRIBUTION PROBLEM.

44. Case 25-M41M-02955 is not a dismissed historical matter. It is the surviving conviction and the direct reason the prosecutor's complete disclosure history remains materially consequential.

45. The charging theory attributed May 23 jail-system activity and voice messages personally to Petitioner. The later complete ViaPath Call Detail Standard report associated with inmate PIN [REDACTED] queried for May 16 through June 10 with all calls selected, contains no May 23 activity under that PIN. The record reflects its first reported activity under the identified PIN later in the period. ***(Ex. S, Appx. 396–418.)***

46. Petitioner expressly corrects any earlier description suggesting the complete report contains unsuccessful May 23 events under his identified PIN. The material relied upon here is the opposite: no May 23 event appears under that PIN. ***(Ex. S, Appx. 396–418.)***

47. The report also demonstrates elsewhere that the system can record unsuccessful or rejected events, invalid PINs, failed verification, hangups, and zero-duration activity. That makes the absence of a May 23 event under the identified credential a source-attribution issue requiring proof, not assumption. ***(Ex. S, Appx. 396–418.)***

48. Seven days before the alleged May 23 conduct, Petitioner had already filed a written electronic-authentication objection addressing shared-account vulnerability and requesting independent authentication, access logs, account-control evidence, and forensic examination. ***(Ex. S, Appx. 396–418.)***

49. The production demand therefore must include the original item supplied to Trooper Casey; native screenshots or exports; transmission method; source device/account; Casey's notes and BWC; every alleged voicemail audio file and object identifier; transcription, duration, creation time and metadata; originating account/PIN/device/terminal; voice-enrollment and verification records; WVDCR/SRJ device-assignment and access records; and every prosecutor record showing what evidence was used to attribute the event to Petitioner personally.

50. Under ***Buffey v. Ballard***, 236 W. Va. 509, 782 S.E.2d 204 (2015), the prosecution's constitutional obligation to disclose material exculpatory evidence extends to the plea-negotiation

stage. The guilty disposition therefore does not make pre-plea suppression of material source evidence legally irrelevant.

51. The petition does not contend that the later ViaPath report, standing alone, proves that no communication could have occurred through any conceivable alternate account or system. It requires the State to identify the alternate technical source if that is its position and to produce the evidence that connects that source to Petitioner.

F. LUPARDUS PROVIDES AN INDEPENDENT EVIDENTIARY BRIDGE BETWEEN THE DEFENSE EVIDENCE, BECHTEL, THE ABRAMS COMPLAINANTS, GALLAGHER, AND THE AUGUST 28 DISPOSITION.

52. Former defense counsel Timothy Lupardus is a material third-party source because he personally communicated with Assistant Prosecutor Marie Bechtel while the State was deciding whether to continue, dismiss, or resolve the three prosecutions. ***(Ex. S, Appx. 396–418.)***

53. A preserved August 27 recording is described in the verified 02955 record. Lupardus reported the operative disposition as: ***"Take a plea to the third offense. That's the one with the jail calls. Okay. We're dropping the other two." (Ex. S, Appx. 396–418.)***

54. Lupardus further attributed to Bechtel the State's position that the Prosecutor's Office and State were ***"not going to be your hammer. Not our job."*** When Petitioner asked whether Lupardus had actually obtained a definite agreement, Lupardus answered: ***"That's what Marie and I talked about. She agreed with me." (Ex. S, Appx. 396–418.)***

55. Lupardus also reported that Bechtel would be unavailable the next day, that Assistant Prosecutor John Gallagher would appear, and that Gallagher would carry out the communicated disposition. Earlier written communications likewise place Lupardus directly in the evidence-review channel: he told Petitioner he was willing to raise the evidence with Bechtel and later stated he intended to discuss with her what the State's intentions were. ***(Ex. S, Appx. 396–418.)***

56. The separate August 27 Atterson recording provides contemporaneous corroborative context. Petitioner can be heard reporting that Lupardus had just told him the prosecutor called the Abramses,

that the other charges were being dismissed because requested evidence had not been turned over, and that Bechtel had angrily rejected continued use of the office as a ***"hammer."*** Atterson responded that this was consistent with what he had been saying about use of BPD, the Prosecuting Attorney's Office, and magistrate process. ***(Ex. O, Appx. 130–152.)***

57. Petitioner does not offer the Atterson call as a substitute for the direct Lupardus recording or the underlying Bechtel/Abrams communications. Its importance is precisely the opposite: it identifies a contemporaneous evidentiary trail that can be tested against the Prosecutor's own records and the participants themselves. ***(Ex. O, Appx. 130–152.)***

58. Those records should include every Bechtel–Lupardus communication; every Bechtel–Sarah Abrams and Bechtel–Alan David Abrams communication concerning requested evidence or dismissal; what inculpatory material the Office asked the Abramses to supply; what was supplied or not supplied; the Bechtel-to-Gallagher handoff; every plea offer or draft; and every dismissal instruction for 02316 and 02354.

G. THE CONTEMPORANEOUS DISPOSITION INSTRUMENT CONFLICTS WITH LATER CERTIFIED PLEA-AGREEMENT CHARACTERIZATIONS AND REQUIRES A COMPLETE DISPOSITION AUDIT.

59. The signed August 28 three-case disposition instrument states that 02955 was ***"Pleading Guilty"*** and that 02316 and 02354 were ***"Dismissed by State Not per Agreement." (Ex. H, Appx. 66–67.)***

60. The later certified magistrate packets contain disposition records characterizing dismissals as pursuant to, or part of, a plea agreement. ***(Ex. Q, Appx. 174–241; Ex. R, Appx. 242–395.)***

61. That discrepancy is not resolved by choosing one document over another. It requires the underlying record-generation history: every plea offer, draft, prosecutor note, email, text, dismissal form, transmission, Bechtel–Gallagher communication, Bechtel–Lupardus communication, magistrate filing, and system entry that explains what the State actually agreed to and why materially different descriptions now coexist.

62. The issue is further material because ***Buffey*** requires examination of the information available during plea negotiations, and because the voluntariness and factual basis of the 02955 disposition cannot be divorced from what the State represented would happen to the other two charges.

H. THE DIRECT PROSECUTOR'S OFFICE CALLS PROVE REPEATED NOTICE, IDENTIFY THE CUSTODIANS, AND INDEPENDENTLY CONFIRM TRUMAN'S RECEIPT OF DUNN'S WVSP REPORT.

63. The Appendix includes nine direct recorded-call transcripts involving the Raleigh County Prosecuting Attorney's Office from August through November 2025. ***(Ex. P, Appx. 153–173.)*** These calls are important because they move the present request beyond inference about whether the Office was notified.

64. On August 14, Petitioner left an urgent message reporting that he had been told the Abrams family was at BPD attempting to initiate another charge concerning an old 2017 incident and asking that exculpatory evidence be reviewed before further action. On August 18 and 19, he again offered evidence overlapping the pending criminal accusations and asked the Office to review objective exculpatory material. ***(Ex. P, Appx. 153–159.)***

65. On September 30, Truman returned Petitioner's call and stated in substance that law enforcement, rather than the prosecutor, investigates allegations. Critically, Truman also stated that he had read a report from Corporal Dunn and recognized Petitioner's decision to go to the State Police. ***(Ex. P, Appx. 162–164.)***

66. That direct statement independently corroborates the Dunn transmission later identified in the separate September 26 source, which states Dunn had ***"forwarded that report over to Tom Truman"*** and later confirmed Truman ***"got it." (Ex. T, Appx. 419–424.)***

67. On October 22, Petitioner again sought records reflecting the number of attempts by Abrams-related sources to pursue charges or protective-order enforcement and the reasons for dismissal. Truman returned the call and explained that FOIA matters were routed through county counsel. ***(Ex. P, Appx. 165–168.)***

68. On November 6, Petitioner spoke directly with Truman about the missing May 6 video, the alleged texts, the forensic extraction, Atterson's account that he warned Dickens and that Dickens attributed the decision to proceed to Allard, the signed three-case disposition instrument, and the need for the prosecutor's historical record. Truman responded, among other things, ***"If we have exculpatory evidence, we turn it over."*** He also described the magistrate-file practice of scanning handwritten notes and records. ***(Ex. P, Appx. 169–173.)***

69. The same chronology includes Petitioner's September 25 written demand seeking the State's reasons for dismissal, the purported inculpatory video or certification if none existed, the alleged text evidence in native or forensic form, chain-of-custody/disclosure information, favorable-evidence disclosure, and records concerning acquisition, retention, loss, export, or deletion of digital evidence. ***(Ex. T, Appx. 419–424.)***

70. These sources establish a concrete custodial trail: the Office was repeatedly asked for specific source evidence; Truman directly acknowledged reading Dunn's report; and Truman was later specifically informed of the disputed source evidence and disposition language. The writ should therefore require a verified search of every repository reasonably likely to contain those records, not a conclusory statement that an individual prosecutor does not remember the matter.

I. THE REQUESTED ABRAMS-TO-GOVERNMENT CONTACT LEDGER IS A DEFINED EVIDENTIARY CATEGORY, NOT A DEMAND FOR PRIVATE COMMUNICATIONS UNRELATED TO GOVERNMENT ACTION.

71. The present record identifies multiple episodes in which Sarah Abrams, Alan David Abrams, dealership personnel, or persons acting with them allegedly supplied accusations or evidence to BPD, WVSP, or the Prosecuting Attorney's Office. The requested records are the governmental intake and response records created by those contacts.

72. The categories include the April 23 protective-order source materials; the May 5 allegation and Sarah's phone/thumb-drive evidence; the May 6 Lewis Nissan statements and claimed surveillance; the complaints directed at Sgt. Atterson and other officers; the May 23 02955 call-log/voice-message

allegation; the August 2017-incident accusation reported to BPD; late-August evidence requests and dismissal communications; and any governmental request to revoke bond or home confinement based upon information supplied by those sources. ***(Exs. I–M, Appx. 68–114; Exs. O–P, Appx. 130–173; Exs. Q–S, Appx. 174–418.)***

73. Petitioner does not seek every private message ever exchanged among the Abrams family or dealership personnel. He seeks complaint forms, statements, evidence submissions, emails and texts received on governmental systems, recordings, intake notes, attachments, referrals, requests for charges or revocation, factual memorializations of oral communications, and objective disposition records showing what governmental action followed.

74. Those records are material because a repeated complaining source may provide inconsistent versions, identify the provenance of an electronic item, reveal who supplied a disputed allegation, show that an allegation was rejected or redirected, or establish that the same material was transmitted across multiple proceedings. The evidentiary significance lies in the governmental record, not in an assumed motive.

75. The temporal-proximity matrix is therefore included only as a demonstrative roadmap identifying dates and source events that may assist the Court in understanding why a complete contact ledger is necessary. It is not offered as proof that every later adverse event was retaliatory or coordinated. ***(Ex. N, Appx. 115–129.)***

J. THE GOVERNMENTAL CONTACT LEDGER MUST ACCOUNT FOR EACH AND EVERY ATTEMPT TO INITIATE CRIMINAL PROCESS, REVOCATION, OR RETURN PETITIONER TO CUSTODY—INCLUDING ATTEMPTS THAT WERE REJECTED BEFORE A CHARGE OR CASE NUMBER RESULTED

75.A The requested governmental contact ledger must not be limited to complaints that ultimately matured into a warrant, formal criminal charge, magistrate case number, or adjudicated revocation proceeding. Such a limitation would exclude the very governmental records necessary to determine the frequency, source, content, and disposition of repeated efforts to invoke criminal or custodial process

against Petitioner. The accounting therefore must encompass **each and every** contact, complaint, written or oral statement, evidentiary submission, referral, request, follow-up communication, or other effort by Sarah Abrams, Alan David Abrams, Chad Hopkins, Rachel Hopkins, Lewis Nissan personnel, their counsel or agents, or any person acting on their behalf, that sought or supplied grounds for arrest, investigation, issuance of a warrant, criminal charges, bond revocation, home-confinement revocation, continued confinement, return to custody, or criminal enforcement of a protective order.

75.B For each such effort, Respondents should identify the date and time; originating person or source; governmental recipient; method of communication; allegation presented; documents, recordings, screenshots, statements, or other evidence supplied; officer, prosecutor, investigator, or other official assigned; incident, event, RMS, report, warrant, or case number, if any; every transmission or referral to another governmental actor; the governmental action taken; the reason for rejection, declination, abandonment, or disposition if known; and the present custodian and retention status of the resulting governmental record. The requested accounting expressly includes efforts that produced **no charge, no warrant, no case number, or no formal filing**, because rejection or declination is itself part of the objective governmental history Petitioner seeks to reconstruct.

75.C The August 14, 2025 Atterson recording demonstrates why that distinction is essential. Sgt. Bryan Atterson reported that Sarah Abrams prepared and signed a two-page statement concerning an approximately eight-year-old domestic-battery allegation arising from 2017. Atterson expressly described the effort as ***"trying to get you back in jail."*** He further recounted that Deputy Chief Allard directed Officer Dickens to prepare a report concerning the old allegation, that Dickens carried the matter to the Prosecuting Attorney's Office, and that the prosecutorial response was rejection rather than a new prosecution. ***((Ex. AC, Appx. 465–470.))*** The relevant governmental record therefore includes Sarah Abrams's original two-page signed statement, every BPD intake and RMS record, Dickens's report, any Allard–Dickens direction or communication, the prosecutor transmittal and

intake, any prosecutor note or communication concerning rejection or declination, and every surviving record identifying what governmental action followed.

75.DPetitioner does not overstate the August 14 record. Atterson also stated that he observed Alan David Abrams at the BPD front window but expressly acknowledged that he did not hear what Abrams was discussing. ***((Ex. AC, Appx. 465–470.))*** Petitioner therefore does not ask this Court to find that Alan Abrams initiated that particular 2017 allegation. He asks for the governmental records capable of identifying who initiated it, who participated in it, what was submitted, what directions were given, and why the matter was rejected.

75.E A separate contemporaneous source identifies another effort to use custodial process against Petitioner that is not presently developed in this Petition. During the August 22, 2025 recorded call, then-defense counsel Timothy Lupardus stated that Anthony Salvatore sent him a copy of Petitioner's mechanics lien and that approximately two minutes later Assistant Prosecutor Marie Bechtel called and advised that ***"they are trying to get him revoked for serving a mechanics lien."*** Lupardus thereafter read his contemporaneous written response explaining that Petitioner appeared to be attempting to protect financial interests that had been under assault and questioning how Petitioner could lawfully protect those interests while being threatened with renewed incarceration for service of the lien. ***((Ex. AE, Appx. 478–480.))***

75.F Lupardus's contemporaneous written response is independently important because he stated that, during the period immediately following the Family Court proceeding, the opposing client ***"and or her family members seem to have tried to subvert our agreement to home confinement with the state,"*** including interference with Petitioner's contracts and business relationships, and then expressly stated: ***"I base this on independent evidence, not just what I'm told." ((Ex. AE, Appx. 478–480.))*** The recording does not, standing alone, establish the precise identity of every person encompassed by Bechtel's reference to ***"they,"*** nor does it establish whether Bechtel endorsed the requested revocation

or merely communicated that another person was seeking it. Those are precisely the source questions that the governmental records can answer.

75.G Accordingly, the requested ledger must specifically include every governmental record concerning the mechanics-lien revocation effort: Salvatore's communication and attachments; any communication from Sarah Abrams, Alan David Abrams, Salvatore, or another person requesting or advocating revocation; every communication to or from Bechtel concerning the lien; any communication with Home Confinement, law enforcement, the Magistrate Court, or another prosecutor; any request that Petitioner be arrested, revoked, returned to jail, or otherwise sanctioned because of the mechanics lien or its service; and the governmental response, disposition, rejection, or decision not to proceed. ***((Ex. AE, Appx. 478–480.))*** This relief seeks the source record; it does not ask the Court to presume unlawful motive from the existence of a complaint or request.

II. SUMMARY OF ARGUMENT

76. This petition satisfies the threshold for a rule to show cause because it identifies specific governmental records, specific historical disclosure demands, specific contradictions in the source evidence, and specific custodians. It does not ask the Court to assume wrongdoing. It asks the Court to make the records accountable.

77. First, ***Brady v. Maryland***, 373 U.S. 83 (1963), ***Giglio v. United States***, 405 U.S. 150 (1972), and ***State v. Youngblood***, 221 W. Va. 20, 650 S.E.2d 119 (2007), establish that favorable and impeaching evidence must be disclosed and that participating police investigators' knowledge is imputed to the prosecutor. The State therefore cannot define its disclosure responsibility solely by what a particular prosecutor personally opened or remembers.

78. Second, ***Buffey v. Ballard*** holds that the constitutional obligation to disclose material exculpatory evidence extends to plea negotiations. That principle makes the unresolved 02955 attribution evidence and the late-August dismissal/plea communications presently material.

79. Third, the Atterson record supplies a continuous police-source chronology rather than a single later recollection: favorable knowledge before the May charges, contemporaneous May review and contact with Dickens, repeated August and September memorializations of notice to Dickens, a November recorded reaffirmation, a December BWC review and willingness to testify, and the January witness-access sequence. That chronology does not itself adjudicate wrongdoing; it makes the underlying BPD communications, command records, attachments, and testimony-related records objectively identifiable and materially relevant. ***(Exs. B, O, U–AD, Appx. 6–14, 130–152, 425–477.)***

80. Third, ***Rule 29*** of the West Virginia Rules of Criminal Procedure for Magistrate Courts and ***State ex rel. Games-Neely v. Overington*** establish that magistrate criminal discovery is not a nullity or an artificially exhaustive list. The certified record here documents repeated timely demands for exactly the source materials now in dispute.

81. Fourth, ***State v. Osakalumi***, 194 W. Va. 758, 461 S.E.2d 504 (1995), requires an accountable inquiry when evidence the State had or should have had no longer exists. A bare assertion that a BWC file, statement, attachment, or digital source is now gone cannot end the analysis.

82. Fifth, the Court already has the procedural machinery necessary to resolve disputed facts without prejudging them. ***Rule 16(k)*** of the West Virginia Rules of Appellate Procedure authorizes factual development where a response creates a genuine issue of material fact, and ***Rule 16(l)*** permits reference to a special master or commissioner when the factual issues are complex.

83. The appropriate relief is therefore preservation, a verified custodial and disclosure accounting, production of clearly favorable source material, in-camera review of legitimately protected responsive records, an ***Osakalumi*** accounting for lost evidence, and targeted ***Rule 16(k)*** development where the answers conflict.

III. STATEMENT REGARDING ORAL ARGUMENT AND DECISION

84. Petitioner requests oral argument under ***Rule 20*** of the West Virginia Rules of Appellate Procedure. The issues concern the integrity of criminal source evidence, the prosecutor-police

disclosure pipeline, a surviving conviction, repeated pre-disposition discovery demands, disputed preservation, a now-authenticated police-witness source trail spanning May 2025 through January 2026, and the proper use of original-jurisdiction factual development.

85. Petitioner requests thirty minutes of argument. The factual record spans three criminal matters, two principal governmental custodians, a separate WVSP transmission, and multiple categories of electronic evidence. A published opinion would provide useful guidance concerning the intersection of ***Youngblood***, ***Buffey***, ***Games-Neely***, ***Osakalumi***, and ***Rule 16(k)–(l)***.

IV. ARGUMENT

A. THE PETITION SATISFIES THE MANDAMUS STANDARD BECAUSE IT SEEKS PERFORMANCE OF IDENTIFIABLE LEGAL DUTIES AND NEUTRAL FACTUAL DEVELOPMENT, NOT CONTROL OF PROSECUTORIAL DISCRETION.

86. A writ of mandamus requires a clear legal right in the petitioner, a corresponding legal duty in the respondent, and the absence of another adequate remedy. ***State ex rel. Kucera v. City of Wheeling***, 153 W. Va. 538, 170 S.E.2d 367 (1969), syl. pt. 2.

87. Petitioner does not ask this Court to command Truman to prosecute Sarah Abrams, Alan David Abrams, Chad Hopkins, any police officer, or any other person. Nor does he ask the Court to dictate how Truman must exercise lawful charging discretion. That distinction is essential under ***State ex rel. Buxton v. O'Brien***, 97 W. Va. 343, 125 S.E. 154 (1924), which distinguishes compelling performance of a duty from controlling the substance of lawful discretion.

88. The requested acts are different: preserve identified governmental evidence; perform a verifiable search; identify what evidence existed and where it was maintained; certify what BPD transmitted to the Prosecuting Attorney; certify what the Prosecuting Attorney furnished to defense counsel; produce material favorable evidence still withheld; identify legitimate privilege claims; and permit neutral review when the parties dispute existence, custody, or materiality.

89. The clear-right inquiry is not based on a disciplinary rule or on a generalized desire to inspect a prosecutor's file. It rests on the criminal disclosure duties recognized by ***Brady***, ***Giglio***, ***Youngblood***,

Buffey, ***Rusen***, ***Games-Neely***, and the discovery rules that governed while the cases were pending, together with the State's duty to preserve evidence whose loss would implicate ***Osakalumi***.

90. The BPD component is correspondingly narrow. Bailey is not asked to decide whether evidence is exculpatory. He is asked to preserve and identify the municipal source record and to submit it for production or neutral review as this Court directs. West Virginia's public-records preservation policy recognizes that local governmental records necessary to protect the rights and interests of persons are essential records that must be preserved. ***W. Va. Code §§ 5A-8-2, 5A-8-3, and 5A-8-4.***

91. At minimum, the verified petition and Appendix establish a prima facie basis for a rule to show cause under ***W. Va. Code § 53-1-5. Respondents can then answer under verification, and the Court can determine whether final mandamus relief or Rule 16 factual development is warranted.***

B. *YOUNGBLOOD* PREVENTS THE CONSTITUTIONAL DISCLOSURE INQUIRY FROM STOPPING AT THE WALL BETWEEN BPD AND THE PROSECUTING ATTORNEY.

92. In syllabus point 1 of ***State v. Youngblood***, this Court held that a police investigator's knowledge of evidence in a criminal case is imputed to the prosecutor for ***Brady*** purposes. 221 W. Va. 20, 650 S.E.2d 119 (2007).

93. That rule is decisive to the architecture of this petition. The most important disputed source evidence was generated or held by BPD: Dickens's BWC, original statements, RMS attachments, evidence histories, supervisory communications, lobby evidence, Atterson–Dickens communications, and records showing what contrary material reached Dickens and Atterson before the May 16 liberty proceeding and what actions followed. ***(Exs. A–D, Appx. 1–28; Exs. I–M, Appx. 68–114; Exs. U–AD, Appx. 425–477.)***

94. Respondent Truman therefore cannot answer the constitutional question merely by stating that a prosecutor personally did not review a file. The Court needs two coordinated accountings: what BPD possessed and transmitted, and what the Prosecuting Attorney received and disclosed.

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95. That crosswalk is particularly important because the direct November 6 call reflects Truman's own description of magistrate-file scanning practices and his statement ***"If we have exculpatory evidence, we turn it over." (Ex. P, Appx. 169–173.)*** The objective way to test that proposition is to compare the source record against the disclosure record.

C. ATTERSON'S REPEATED NOTICE TO DICKENS AND BPD IS MATERIAL POLICE-TEAM KNOWLEDGE UNDER *YOUNGBLOOD*, AND THE ASSOCIATED COMMUNICATIONS ARE AN OBJECTIVELY DEFINED *RULE 16* RECORD.

96. ***Youngblood*** makes the police side of this evidentiary chain legally consequential. Atterson's authenticated May 8–9 messages place him in contemporaneous possession of contrary video information and direct contact with Dickens; his August 24 and August 27 writings, ATT-7 call, September 21 writing, and November 25 call repeatedly memorialize his account that he told Dickens the video contradicted the accusation and required investigation. ***(Ex. O, Appx. 130–152; Ex. V, Appx. 430–437; Ex. W, Appx. 438–440; Ex. X, Appx. 441–442; Ex. AD, Appx. 471–477.)***

97. Petitioner does not ask this Court to decide from those statements alone whether Dickens, Allard, or any other officer violated the law. He asks for the underlying records that can test the statements: Atterson–Dickens call and message logs; native communications; CAD/RMS entries; internal email or messaging; supervisory directions; evidence-access histories; and records showing what Dickens did after receiving notice of contrary evidence. ***Youngblood*** prevents the disclosure inquiry from ending simply because those records originated inside BPD rather than the Prosecuting Attorney's Office.

98. The four May 8 MP4 objects are a separate native-evidence issue. Their filenames, timestamps, and transmission in the authenticated thread are established; their substantive content is not. The appropriate relief is preservation and identification of the native objects, metadata, attachment identifiers, export history, and any corresponding BPD copy—not speculation about what the files depict. ***(Ex. V, Appx. 430–437.)***

99. The August 14 2017-incident episode likewise creates a finite documentary trail: Sarah Abrams's two-page signed statement, BPD intake, Dickens report, any Allard–Dickens directive, prosecutor transmittal, prosecutor intake, and final disposition. Atterson's explicit statement that he did not hear what Alan Abrams was discussing at the front window forecloses using this record to attribute that specific charging effort to Alan without additional proof. ***(Ex. AC, Appx. 465–470.)***

100. Finally, the January 4–10 sequence is not offered as proof of witness intimidation. The source record does not identify who, if anyone, told Atterson he would not be testifying. It does, however, define the factual question with unusual precision: after stating no City attorney had contacted him and confirming he could appear, Atterson said two days later that he would not appear, then explained only that he ***"wasn't going to be testifying,"*** before reaffirming the core Dickens/Allard account and asking that the subpoena be mailed. ***Rule 16(k)*** permits the Court to require the limited BPD/City communications necessary to identify what happened without prejudging the answer. ***(Ex. Z, Appx. 445–449.)***

D. THE MISSING MAY 6 STATEMENT SET AND BWC REQUIRE IMMEDIATE PRESERVATION AND PRODUCTION BECAUSE THEY ARE THE PRIMARY EVIDENCE OF WHO SUPPLIED THE ACCUSATION.

101. The May 6 record presents a unique circumstance: the official report promises one Sarah Abrams statement, while a supervising officer who later watched the BWC describes multiple people supplying information and preparing multiple statements. ***(Ex. A, Appx. 1–5; Ex. B, Appx. 6–14.)***

102. No inferential debate is required to determine whether those writings existed. BPD's native BWC, RMS attachment history, evidence audit, and document metadata can answer the question directly. The Court should require preservation and a verified inventory identifying every statement depicted, requested, received, scanned, uploaded, attached, transmitted, removed, replaced, or deleted.

103. The inventory should identify the author of each writing; the date and time requested and received; every native or scanned version; RMS/evidence identifiers; attachment history; transmission

to the Prosecuting Attorney; transmission to defense counsel; and, for any item no longer available, the complete retention/deletion history.

104. The same directive should require preservation of Dickens's complete native BWC, original upload information, access/export history, retention data, and every associated BPD evidence-system audit record. If BPD contends the BWC no longer exists, the response must identify when it ceased to exist, why, under what retention policy, after what litigation/preservation notices, and what copies or exports were made beforehand.

105. The Court should likewise require production or in-camera review of the original Lewis Nissan surveillance material, if BPD ever received or reviewed it, together with every export, still, screenshot, evidence identifier, and chain-of-custody record. Atterson's statement that ***"No video was ever watched"*** makes that a concrete factual issue, not speculation. ***(Ex. B, Appx. 6–14.)***

E. THE MAY 5 FORENSIC REPORT TRANSFORMS THE ELECTRONIC-MESSAGE ISSUE INTO AN AUTHENTICATION AND PROVENANCE INQUIRY REQUIRING THE GOVERNMENT'S NATIVE SOURCE MATERIAL.

106. The forensic report does not merely say the examiner did not see visible texts. It describes a full file-system acquisition, hash verification, chain of custody, deleted-item recovery, WAL and unallocated-space review, notification analysis, third-party application review, and thread-continuity testing. ***(Ex. K, Appx. 75–87.)***

107. Its ultimate opinion is that the alleged communications were not supported by reliable forensic evidence on Petitioner's device and that the absence was inconsistent with the proposition that the quoted threats had been authored or sent from that device. ***(Ex. K, Appx. 75–87.)***

108. That finding makes the government's source representation indispensable. If a witness supplied screenshots or thumb-drive files, the Court should require the original files as received, not a later printout; the transmitting account or device; creation and modification metadata; any provider-side corroboration; the police evidence intake record; the prosecutor's received copy; and the defense-production history.

109. The requested relief does not ask this Court to decide authenticity from the forensic report alone. It asks the Court to order production of the native comparator so that authenticity can be tested rather than assumed.

F. *BUFFEY* MAKES THE 02955 SOURCE EVIDENCE AND LATE-AUGUST COMMUNICATIONS MATERIAL TO A PRESENTLY CONSEQUENTIAL CONVICTION.

110. ***Buffey v. Ballard*** rejected the categorical proposition that ***Brady*** disappears at the plea stage. The constitutional significance of material exculpatory evidence therefore survives the fact that 02955 ended in a guilty plea.

111. Here, the source-attribution question is unusually concrete: what exact account, PIN, device, terminal, voicemail object, or vendor event supported the allegation that Petitioner personally generated the May 23 communications? The later report associated with the identified PIN contains no May 23 activity. ***(Ex. S, Appx. 396–418.)***

112. The State can answer this if it possesses a different authenticated source. If so, it should identify it. If it cannot, the absence of the source record becomes material to the validity of the plea and to whether the defense received the evidence necessary to evaluate the charge.

113. The late-August communications are equally material because the signed disposition instrument and later certified records use materially different descriptions of the relationship between the guilty plea and the two dismissals. ***(Ex. H, Appx. 66–67; Exs. Q–R, Appx. 174–395.)*** Lupardus's preserved account supplies a direct third-party source for what Bechtel told defense counsel immediately before the plea. ***(Ex. S, Appx. 396–418.)***

G. *OSAKALUMI* REQUIRES A VERIFIED LOSS-AND-DESTRUCTION ACCOUNTING IF ANY IDENTIFIED EVIDENCE IS NOW UNAVAILABLE.

114. In ***State v. Osakalumi***, this Court adopted a state-constitutional framework for evidence the State had or should have had but that no longer exists when production is sought. The inquiry includes whether the evidence would have been subject to disclosure, whether the State had a duty to preserve

it, whether that duty was breached, and what consequence follows. 194 W. Va. 758, 461 S.E.2d 504 (1995).

115. That framework is directly relevant to any response asserting that a BWC, witness statement, electronic attachment, lobby recording, voicemail, evidence-system file, or prosecutor record once existed but is now unavailable.

116. For each such item, Respondents should be required to identify the item, original custodian, system of record, file/evidence identifier, creation date, last known existence, retention schedule, preservation hold, date and authority for deletion or destruction, audit trail, backup/archive status, prior copies or exports, recipients, and available substitute evidence.

117. A verified ***Osakalumi*** accounting is especially necessary because the record shows repeated discovery, preservation, subpoena, and records requests concerning the same categories long before this petition. ***(Ex. E, Appx. 29–36; Exs. Q–R, Appx. 174–395; Ex. T, Appx. 419–424.)***

H. *RULE 16(K)* AND *RULE 16(L)* SUPPLY THE NEUTRAL MECHANISM FOR RESOLVING FACTUAL CONFLICTS WITHOUT ASKING THE COURT TO PREJUDGE MISCONDUCT.

118. ***Rule 16(k)*** of the West Virginia Rules of Appellate Procedure expressly permits factual development in an original-jurisdiction proceeding when a response creates a genuine issue of material fact. That authority is tailored to the present problem.

119. If Bailey answers that only one May 6 statement existed while Atterson's recorded account describes ***"them," "they,"*** and ***"statements,"*** the Court can order the BWC, RMS history, custodian testimony, or a limited deposition. ***(Ex. B, Appx. 6–14.)***

120. If Truman answers that the Office never received a Dunn submission, the September 26 Dunn source and Truman's September 30 statement that he had read a Dunn report create a concrete factual conflict suitable for targeted production from WVSP. ***(Ex. P, Appx. 162–164; Ex. T, Appx. 419–424.)***

121. If the Prosecuting Attorney's disclosure log says all witness statements were produced while the defense files or certified record do not contain them, the Court can order a source-to-disclosure comparison rather than deciding the matter from competing assertions.

122. And if the volume or technical complexity becomes substantial, ***Rule 16(l)*** permits appointment of a special master or commissioner to supervise depositions and return written findings. That procedure would allow the Court to resolve custody, authentication, and privilege issues while preserving appropriate confidentiality.

The same neutral procedure should apply if Bailey disputes the Atterson chronology or the January witness-access sequence. The Court can order a custodian declaration and the finite call logs, internal messages, complaint/directive records, or testimony-related communications tied to the identified dates before deciding whether any broader discovery is necessary. ***(Exs. V–Z, AA–AD, Appx. 430–477.)***

I. LEGITIMATE PRIVILEGE AND CONFIDENTIALITY CONCERNS CAN BE PROTECTED THROUGH IDENTIFICATION AND IN-CAMERA REVIEW; THEY DO NOT JUSTIFY OPACITY ABOUT WHETHER RESPONSIVE EVIDENCE EXISTS.

123. Petitioner does not seek prosecutors' subjective legal strategy, opinion work product, or privileged attorney communications merely because they reside in a case file.

124. For responsive items withheld on a recognized protection, Respondent Truman should provide a nonproduction log sufficient to identify the date, general nature, author/sender, recipient/custodian, general subject, asserted protection, and preservation status without disclosing privileged substance.

125. Where the existence of a protected record is itself material, or where a factual attachment can be separated from privileged analysis, the Court may direct sealed or in-camera submission. That is substantially preferable to allowing the governmental custodian to become the sole and unreviewable decisionmaker about evidence affecting a criminal conviction.

126. This Court has repeatedly used in-camera procedures to reconcile disclosure interests with confidentiality. The same approach is appropriate here if Respondents identify a legitimate statutory, work-product, or confidentiality basis for withholding a responsive item.

J. NO OTHER PROCESS IS EQUALLY BENEFICIAL, CONVENIENT, AND EFFECTIVE FOR THE INTEGRATED CONTROVERSY PRESENTED HERE.

127. ***Rule 16(d)***(7) of the West Virginia Rules of Appellate Procedure requires an original-jurisdiction petitioner to explain why the requested relief is unavailable elsewhere or cannot adequately be obtained through another process.

128. The ordinary magistrate discovery process is over. Cases 02316 and 02354 were dismissed, and 02955 ended in a guilty disposition. Yet the constitutional materiality of suppressed exculpatory evidence does not disappear because the case ended in a plea. ***Buffey*** makes that point explicit.

129. A public-records request is not an equivalent substitute. Petitioner has already pursued written and telephone records requests, including the September 25 request and the October 22 direct contacts documented here. ***(Ex. P, Appx. 165–168; Ex. T, Appx. 419–424.)*** More importantly, the public's statutory right of access is not coextensive with the accused's constitutional right to favorable evidence, the prosecutor-police knowledge rule in ***Youngblood***, or the plea-stage rule in ***Buffey***.

130. To the extent a purely public-record question belongs under the West Virginia Freedom of Information Act, Petitioner does not ask this Court to convert the present writ into a first-instance FOIA damages or enforcement action. The FOIA history is relevant because it proves notice, identifies custodians, and demonstrates that ordinary records requests have not supplied the cross-agency disclosure accounting the constitutional issue requires.

131. Nor would a piecemeal sequence of separate local proceedings provide an equally effective remedy. The evidence is divided among BPD, the Prosecuting Attorney's Office, defense-disclosure records, corrections/vendor systems, and a later WVSP investigative transmission. The constitutional question is the movement of evidence across those boundaries.

132. West Virginia mandamus law does not treat a theoretical alternative as adequate merely because it exists. The alternative must be sufficiently beneficial, convenient, and effective in relation to the relief required. ***Cooper v. Gwinn***, 171 W. Va. 245, 298 S.E.2d 781 (1981).

133. This Court can obtain the integrated answer through one original-jurisdiction record: verified responses from the two principal custodians, immediate preservation, in-camera review, and targeted ***Rule 16(k)*** development where necessary.

K. AT MINIMUM, THE VERIFIED PETITION ESTABLISHES A PRIMA FACIE CASE REQUIRING A RULE TO SHOW CAUSE.

134. ***W. Va. Code § 53-1-5 authorizes issuance of a rule where a verified petition makes a prima facie case for mandamus.***

135. Petitioner has identified a promised May 5 written statement; a promised May 6 written statement; recorded evidence indicating a plural May 6 statement set; the native BWC capable of resolving that dispute; a native May 6 video contradicting material narrative components; a forensic mobile-device report finding no reliable evidence of identified alleged May 5 communications; repeated pre-disposition discovery and preservation demands; an authenticated Atterson source record documenting contemporaneous favorable knowledge, May 8–9 contact and media objects, repeated memorializations of notice to Dickens, a separate August charging episode, continued willingness to testify, and a defined January witness-access question; a surviving 02955 conviction with a later vendor report showing no May 23 activity under the identified PIN; a direct defense-counsel source for the late-August prosecutor communications; inconsistent disposition records; direct calls documenting prosecutorial notice; and a later WVSP report that both Dunn and Truman's own September 30 statement place in Truman's hands. ***(Exs. A–AD, Appx. 1–477.)***

136. Respondents can answer those matters under verification. If their answers resolve them, the proceeding can narrow immediately. If their answers conflict with the Appendix, ***Rule 16(k)–(l)*** provides the fact-finding mechanism.

137. What should not occur is continued governmental opacity concerning evidence whose existence, source, and disclosure are objectively testable.

V. SPECIFIC RECORDS FOR PRESERVATION, VERIFIED ACCOUNTING, PRODUCTION, OR IN-CAMERA SUBMISSION

138. Petitioner requests a three-case disclosure crosswalk for 25-M41M-02316, 25-M41M-02354, and 25-M41M-02955 identifying, for every material item: the originating source; date received by law enforcement; date transmitted to the Prosecuting Attorney; date received by the Prosecuting Attorney; date and method of production to defense counsel; recipient; present custodian; and any reason for nonproduction.

139. For May 5, the crosswalk must include Sarah Abrams's original handwritten statement; every scan, photograph, PDF, RMS attachment, and derivative; Dickens's native BWC and audit history; Sarah's alleged phone/thumb-drive evidence; every file copied or extracted from those sources; every screenshot or message representation; and the original source for each quoted communication incorporated into the police narrative. ***(Exs. D, I–L, Appx. 26–28, 68–94.)***

140. For May 6, the crosswalk must include every oral, handwritten, typed, recorded, scanned, photographed, electronically entered, or otherwise memorialized statement obtained or requested by Dickens; identity of every author; every draft/version; every RMS or evidence-system attachment; every BWC segment depicting the statement-generation process; every audit event; and every copy sent to the Prosecuting Attorney or defense. ***(Exs. A–B, Appx. 1–14; Ex. M, Appx. 95–114.)***

141. The May 6 demand must not be satisfied by producing only a Sarah Abrams statement. The existing evidence specifically indicates a plural statement process and requires identification of every person encompassed by Atterson's descriptions ***"Sarah and them," "them," "they,"*** and ***"statements." (Ex. B, Appx. 6–14.)***

142. BPD must also preserve Dickens's complete BWC, all metadata and audit history, every Lewis Nissan surveillance item ever received or referenced, lobby/front-desk/access evidence

concerning Petitioner's May 8–9 presentation of contrary evidence, officer-activity/CAD records if generated, and official communications among Dickens, Atterson, Allard, Bailey, Sweetster, Hunter, or other supervisory personnel concerning the May 5/6 charges, the May 6 video, contrary evidence, the decision to seek warrants, or the later handling of those source records. ***(Exs. B, M, Appx. 6–14, 95–114; Exs. V–W, Appx. 430–440; Ex. O, Appx. 130–152.)***

143. BPD must preserve and identify every Atterson–Dickens call, text, message, email, internal chat, call-detail record, CAD/RMS entry, supervisory note, or evidence-access record concerning Petitioner, the May 5 or May 6 allegations, contrary or exculpatory evidence, Lewis Nissan video, or the decision to obtain warrants during May 2025, together with any responsive Allard–Dickens or command-level communication. ***(Ex. O, Appx. 130–152; Exs. V–W, Appx. 430–440; Ex. X, Appx. 441–442; Ex. AD, Appx. 471–477.)***

144. BPD must preserve and identify the native objects, metadata, attachment/object identifiers, export history, and any BPD copy or derivative corresponding to video_20250508_075047_021.mp4, video_20250508_075050_022.mp4, video_20250508_075054_023.mp4, and video_20250508_075058_024.mp4. If BPD never possessed any of those four objects, Bailey should so state under verification after a documented search. ***(Ex. V, Appx. 430–437.)***

145. BPD and the Prosecuting Attorney must preserve and account for the August 2017-incident charging episode identified in ATT-5: Sarah Abrams's two-page signed statement; BPD intake; Dickens's report; any Allard–Dickens directive or related communication; prosecutor transmittal and intake; any prosecutor review, declination, or disposition record; and present custody or retention status. ***(Ex. AC, Appx. 465–470.)***

146. Bailey must preserve and identify BPD complaint, supervisory, command, internal-affairs, scheduling, or directive records corresponding to Atterson's August 7–11 statements that he was questioned or ***"scolded"*** for being at Petitioner's property, that ***"they shut me down,"*** and that administration regarded him as biased because of an Abrams complaint. The requested relief is an

accounting of the underlying governmental records, not a finding that Atterson's characterization was legally correct. ***(Ex. W, Appx. 438–440; Ex. AA, Appx. 450–457; Ex. AB, Appx. 458–464.)***

147. Bailey must preserve and identify every January 2026 BPD or City communication, message, email, call log, directive, note, or contact record concerning service of Petitioner's subpoena on Atterson, whether Atterson would appear or testify, whether his testimony was authorized or discouraged, and any communication to or from City attorneys Underwood or Johnson concerning that testimony. If no such governmental communication exists, Bailey should so state under verification after a documented search. ***(Ex. Z, Appx. 445–449.)***

148. For 02955, the State must identify the original May 23 source supplied to Casey, native call-log/export data, every screenshot, voicemail audio/object identifier, metadata, account/PIN/device/terminal, voice-enrollment and voice-verification results, WVDCR/ViaPath source data, Casey notes/BWC, and every transmission to the Prosecuting Attorney and defense. ***(Ex. S, Appx. 396–418.)***

149. The Prosecuting Attorney must produce or account for every June and July 2025 discovery response, disclosure letter, evidence index, supplemental production, email attachment, download link, physical evidence receipt, and defense transmittal relating to the three cases. ***(Ex. E, Appx. 29–36; Exs. Q–R, Appx. 174–395.)***

150. Respondents must identify and account for **each and every** Abrams-originated or Abrams-related effort to invoke criminal or custodial governmental process against Petitioner, whether successful or unsuccessful and whether or not the effort resulted in a police report, warrant, criminal charge, case number, revocation motion, or prosecution. The accounting shall include all nonprivileged factual communications, complaints, statements, evidence submissions, referrals, and requests by Sarah Abrams, Alan David Abrams, Chad Hopkins, Rachel Hopkins, Lewis Nissan personnel, their counsel or agents, or persons acting on their behalf that sought arrest, investigation, criminal charges, issuance of a warrant, bond revocation, home-confinement revocation, continued confinement, return

to custody, or criminal enforcement of a protective order. For each effort, Respondents shall identify the originating source, governmental recipient, date, allegation, evidence supplied, governmental action taken, referral or transmission history, disposition or declination, and present location or retention status of the resulting governmental record. ***((Exs. O–P, Appx. 130–173; Ex. AC, Appx. 465–470; Ex. AE, Appx. 478–480.))***

151. The Prosecuting Attorney must preserve and account for every Bechtel–Lupardus communication, every Bechtel–Abrams communication concerning requested evidence or dismissal, the Bechtel-to-Gallagher handoff, all plea offers/drafts, and every record explaining the conflict between the August 28 ***"Dismissed by State Not per Agreement"*** instrument and the later certified plea-agreement characterizations. ***(Ex. H, Appx. 66–67; Ex. O, Appx. 130–152; Exs. Q–S, Appx. 174–418.)***

152. Truman must preserve and produce or submit in camera the Dunn/WVSP report he acknowledged reading, together with attachments, transmittal, date of receipt, routing history, reviewer identity, requests for follow-up, response to WVSP, objective disposition/closure/referral record, and present custodian. ***(Ex. P, Appx. 162–164; Ex. T, Appx. 419–424.)***

153. If Truman contends that any portion of the original Dunn file remains exclusively with WVSP, Petitioner requests targeted ***Rule 16(k)*** production from WVSP rather than adding the Superintendent as a principal respondent to a petition whose core criminal source record originated with BPD and the Prosecuting Attorney.

154. For every responsive item withheld on privilege, work product, confidentiality, or statutory grounds, Respondents should provide a verified nonproduction log and preserve the item for potential in-camera review.

155. For every responsive item claimed lost, destroyed, overwritten, purged, or unavailable, Respondents should provide the complete ***Osakalumi*** accounting described above.

VI. PRAYER FOR RELIEF

156. WHEREFORE, Petitioner respectfully requests that this Court issue a rule to show cause under ***W. Va. Code § 53-1-5 requiring Respondents Truman and Bailey to file verified answers to this Petition.***

157. Petitioner requests an immediate preservation order prohibiting destruction, deletion, overwriting, alteration, purge, loss, or unauthorized disposal of the identified BPD and prosecutorial records, including native electronically stored information and audit histories, while this proceeding remains pending.

158. Petitioner requests an order directing Respondent Bailey to provide a verified BPD custodial inventory identifying the present existence, location, transfer, disclosure, and preservation status of the May 5 and May 6 BWC files, RMS records, original witness statements, statement attachments, evidence logs, audit histories, lobby/access evidence, Atterson–Dickens communications, May 8 native attachment objects, supervisory communications, January 2026 testimony-related communications, and Abrams-originated governmental intake records described in this Petition.

159. Petitioner requests an order directing Respondent Truman to provide a verified three-case prosecutorial disclosure accounting for 25-M41M-02316, 25-M41M-02354, and 25-M41M-02955 identifying what evidence the Office received, ***from whom***, ***when, what*** was furnished to ***each*** defense lawyer or Petitioner, ***when and how***, ***what*** remains withheld, and ***what is now unavailable***.

160. Petitioner requests a specific preservation and verified accounting order for all Atterson-related BPD source records identified at Exhibits V–Z and AA–AD, including the underlying May 2025 Atterson–Dickens communications and related command communications, without requiring this Court to accept Atterson's characterizations as proven facts. ***(Exs. V–Z, AA–AD, Appx. 430–477.)***

161. Petitioner requests preservation and identification of the four May 8 native MP4 attachment objects by exact filename, including metadata, object/attachment identifiers, export history, and any

BPD copy or derivative, or a verified statement after documented search that BPD never possessed them. ***(Ex. V, Appx. 430–437.)***

162. Petitioner requests a verified accounting of the August 2017-incident charging episode identified in ATT-5 and of the January 2026 communications, if any, concerning Atterson's subpoena, appearance, or testimony. The January sequence should be resolved from source records; Petitioner does not ask the Court to infer witness intimidation from the present record. ***(Ex. Z, Appx. 445–449; Ex. AC, Appx. 465–470.)***

163. Petitioner requests production of all material favorable and impeachment evidence constitutionally required under ***Brady***, ***Giglio***, ***Youngblood***, and ***Buffey***, together with native source evidence necessary to authenticate the May 5 electronic allegations, the May 6 statement set and claimed surveillance evidence, and the May 23 02955 attribution evidence.

164. Petitioner requests a specific order that the May 6 statement demand include every person encompassed by Atterson's repeated plural descriptions and that Respondents may not satisfy the order by identifying only a single Sarah Abrams statement. ***(Ex. B, Appx. 6–14.)***

165. Petitioner requests preservation and production or in-camera submission of Dickens's native May 6 BWC and complete audit history, together with the RMS/evidence-management attachment history capable of identifying every statement prepared during that encounter.

166. Petitioner requests a verified accounting of **each and every governmental Abrams-source charging, investigation, warrant, revocation, confinement, or criminal-enforcement effort within the defined scope—including efforts rejected, declined, abandoned, or terminated before any formal charge or case number was created—and the official governmental response or disposition of each such effort.** The accounting shall expressly include the August 2017 domestic-battery charging effort identified in ***Exhibit AC, Appx. 465–470*** and the mechanics-lien revocation effort identified in ***Exhibit AE, Appx. 478–480.***

167. Petitioner requests a verified production/accounting of all Bechtel–Lupardus, Bechtel–Abrams, and Bechtel–Gallagher factual communications material to requested evidence, dismissal of 02316/02354, and the 02955 plea/disposition.

168. Petitioner requests preservation and production or in-camera submission of the Dunn report and all prosecutorial receipt/routing/disposition records identified at Exhibit P, ***Appx. 162–164*** and Exhibit T, ***Appx. 419–424***.

169. Petitioner requests an ***Osakalumi*** accounting for every identified item Respondents claim once existed but is no longer available.

170. Petitioner requests that privilege or confidentiality disputes be resolved through a verified nonproduction log and in-camera review rather than categorical opacity.

171. If the verified responses create a genuine issue of material fact, Petitioner requests targeted factual development under ***Rule 16(k)*** of the West Virginia Rules of Appellate Procedure, including document production, subpoenas, depositions, or custodian testimony as this Court deems necessary.

172. If the factual disputes are sufficiently complex, Petitioner requests appointment of a special master or commissioner under ***Rule 16(l)*** to supervise discovery and make written findings regarding existence, custody, provenance, transmission, disclosure, preservation, loss, destruction, privilege, and disposition of the identified evidence.

173. Petitioner requests leave to supplement the Appendix with records produced through this proceeding, requests thirty minutes of oral argument under ***Rule 20***, and requests such additional relief as is necessary to ensure that the legality of the criminal proceedings is determined from the complete governmental evidentiary record rather than from the continued inaccessibility of that record.

Most Respectfully Submitted this 17th day of October, 2026

/s/ Christopher Adam Jackson CHRISTOPHER ADAM JACKSON

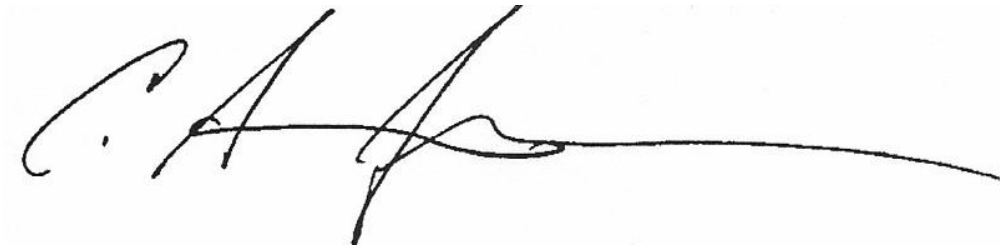
Petitioner, ***Pro se***

[REDACTED] Beckley, WV 25801

Email: [REDACTED] [REDACTED]

VERIFICATION

I, Christopher Adam Jackson, being first duly sworn, state that I am the Petitioner in the foregoing proceeding; that I have read this Verified Petition for Writ of Mandamus; that factual allegations stated from my personal knowledge are true and correct to the best of my knowledge; that matters stated upon information derived from identified governmental records, recordings, sworn declarations, forensic materials, certified court records, and other Appendix evidence are true and correct to the best of my knowledge, information, and belief; and that I submit this Petition in good faith for the relief requested. I do not ask the Court to treat disputed allegations of misconduct as established merely because they are alleged; I ask for preservation, verified accounting, production, and neutral factual development so those matters may be determined from evidence.



Christopher Adam Jackson, Petitioner, ***Pro Se***

STATE OF WEST VIRGINIA, COUNTY OF RALEIGH, to-wit:

Taken, subscribed, and sworn before me by Christopher Adam Jackson this 17TH day of October 2026.



IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

STATE OF WEST VIRGINIA ex rel. CHRISTOPHER ADAM JACKSON,

Petitioner,

v.

TOM TRUMAN,

Prosecuting Attorney of Raleigh County, West Virginia,

in his official capacity,
and

DEAN R. BAILEY,

Chief of Police of the City of Beckley, West Virginia,

in his official capacity,

Respondents.

CERTIFICATE OF SERVICE

Pursuant to ***Rules 16(c)*** and ***37*** of the West Virginia Rules of Appellate Procedure, I certify that on October 17th, 2026 I served a true and correct copy of the foregoing VERIFIED PETITION FOR WRIT OF MANDAMUS TO COMPEL PRESERVATION, VERIFIED CUSTODIAL ACCOUNTING, AND PRODUCTION OR IN-CAMERA SUBMISSION OF CRIMINAL-CASE SOURCE EVIDENCE; REQUEST FOR RULE TO SHOW CAUSE AND FACTUAL DEVELOPMENT UNDER ***RULE 16(k)–(l),*** together with the accompanying Appendix Record, upon each Respondent and upon each person or office upon whom a rule to show cause should be served if granted. Service was accomplished through the Supreme Court of Appeals of West Virginia File & ServeXpress electronic filing and service system upon both of the Respondent's through their accounts with File & Serve Xpress and by approved method of email for the Attorney General's Office.

RESPONDENT

Tom Truman
Prosecuting Attorney of Raleigh County
Raleigh County Prosecuting Attorney's Office
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RESPONDENT
By and through Counsel Jared Underwood
WV State BAR # 12141
Dean W. Bailey
Chief of Police
Chief of Police for the City of Beckley
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Additional Service Upon the State of West Virginia

Through their approved method of email as instructed to me by Ms. Mindy. L. Moore with the Attorney General's Office. Proof of contemporaneous service is attached as copy of the email, Petition, Appendix, and Motion for Provisional exhibits that were served.

Office of the West Virginia Attorney General
Attn: Attorney General John B. McCuskey / Solicitor General Division
State Capitol Complex
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1900 Kanawha Boulevard East
Charleston, West Virginia 25305
Telephone: (304) 558-2021
E-mail: constituent@wvago.gov

Petitioner further certifies pursuant to ***Rule 16(d)(10)*** **of the West Virginia Rules of Appellate Procedure** that all persons and offices identified above upon whom a rule to show cause should be served, if granted, have been timely provided the Petition and Appendix.

I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Respectfully submitted this 17th day of October, 2026.

/s/ Christopher Adam Jackson
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