

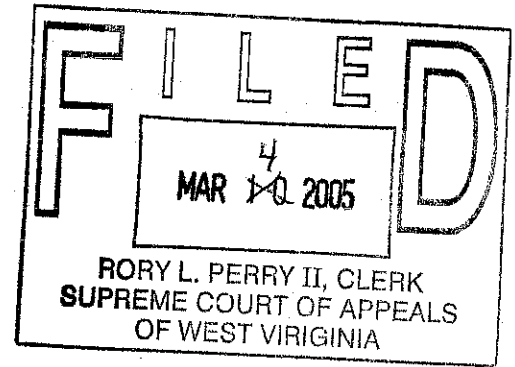
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STATE OF WEST VIRGINIA

In the Matter of: **William Tom Toler**
Magistrate for Wayne County

No. 31797



MOTION TO REINSTATE WITH BACK PAY

Comes now William Tom Toler by and through counsel, Donald R. Jarrell and moves this Honorable Court to reinstate him to office with back pay with the following reasons.

William Tom Toler was previously suspended by this court pursuant to an indictment by the Wayne County Circuit Court on or about July 7, 2004 along with a superceding indictment on November 3, 2004.

Pursuant to Rule 2.14(d)(2) of the Rules of Judicial Disciplinary Procedure the respondent was suspended without pay initially and then again upon his re-election.


The respondent had requested a hearing on this matter but subsequent to that request and before a hearing was held; the trial in this matter in the Circuit Court of Wayne County, Case Number 04-F-109 was held by jury.

On or about February 24, 2005 the jury found William Tom Toler Not Guilty on all eleven (11) counts of the indictment and order was entered pursuant to that trial on March 2, 2005, a copy of which is attached hereto.

All matters raised in the judicial ethics complaints and in the suspension were litigated in the criminal action in this case and therefore under the matter of Grubb, 417 S. E. 2d 919, 187 W. Va. 228 (W. Va. 1992) at page 925. Mr. Toler is entitled to be reinstated with back pay.

Wherefore, the respondent would move this Honorable Court to reinstate him to his elected office along with back pay in this matter.

William Tom Toler
By Counsel



Donald R. Jarrell, Esquire
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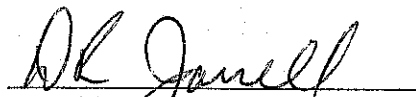
No. 31797

CERTIFICATE OF SERVICE

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JUDICIAL INVESTIGATION COMMISSION
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