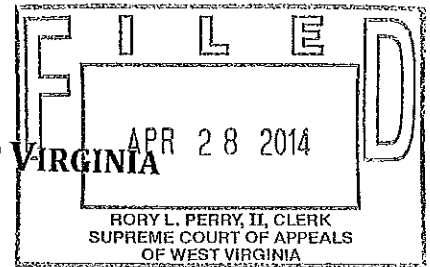


IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA



IN THE MATTER OF:

Jaymie Godwin Wilfong, Judge
20th Judicial Circuit

Supreme Court No.:14-0379

JAYMIE GODWIN WILFONG'S CIRCUIT JUDGE
20TH JUDICIAL CIRCUIT RESPONSE TO FORMAL STATEMENT OF CHARGES

Now Comes Jaymie Godwin Wilfong, Circuit Judge 20th Judicial Circuit,
by and through her counsel Harry G. Deitzler of HILL, PETERSON, CARPER, BEE &
DEITZLER, PLLC and David A. Sims of LAW OFFICES OF DAVID A. SIMS, PLLC and
does hereby respond to the Formal Statement of Charges that were issued by
the Judicial Investigation Commission:

PRELIMINARY STATEMENT:

I take full and complete responsibility for my nearly two-year affair with
William Travis Carter while he was the Director of the North Central
Community Corrections. The relationship began in October of 2011 and
continued periodically, over the next two years. I use the word "periodically"
because this relationship was a complicated one. We were not always
involved in a relationship during that two-year period.

I admit that the relationship was an inappropriate one because we were
each married to other people. We each engaged in an emotional affair with
someone other than our spouses, which is clearly inappropriate. At times, our

emotional affair turned physical, which is also inappropriate, but for since September of 2012, our affair was only an emotional one.

This relationship was not a fling. I foolishly thought we were going to be together, but fortunately that did not occur. Since this relationship has ended, I have been able to reconnect with my husband and we are actively working on our marriage so we may remain together.

My relationship with William Travis Carter did not affect my work as a judge. I did my job and I continue to do my job. The Statement of Charges does not allege that my work on the bench was compromised by the relationship; it alleges that the appearance of the judicial system and its integrity were harmed and I admit that. I now have the benefit of hindsight and others' perspectives on this situation and I admit it was harmful to my position and the public's perception of my position. However, since this matter became public, nearly 7 months ago, not one litigant has requested a rehearing or suggested he or she was treated differently or unfairly as a result of this relationship. The reason is simple; the truth is no one was treated unfairly or differently because of the relationship. I did my very best to maintain my impartiality and integrity, despite the outward negative impact my relationship has had.

I voluntarily recused myself from the cases contained within Complainant Christopher Cooper's complaint. Additionally, a respondent mother and father in ONE abuse and neglect case sought my disqualification as a result of the complaints. I denied the request for recusal and the Supreme Court of Appeals of West Virginia agreed that I should continue on the case. Otherwise, there have been NO other requests for my disqualification from anyone, including and especially the lawyers who have filed the complaints in this action.

I trust when all of the facts are learned about this matter, people will determine that though what I did was wrong, it did not impair my ability to conduct court and do the work the citizens of Randolph County hired me to do. I know that the citizens of Randolph County have to be disappointed in me, as I am disappointed, but I deserve the right to be judged fairly and impartially and I have the right to defend myself from the charges leveled against me.

I have worked very hard as the Circuit Judge of Randolph County. I have overseen the implementation of adult drug court, juvenile drug court, the six-week program called *The People's Law School* and numerous other projects that I am very proud of during my tenure as Judge. I am the presiding officer

for each of those drug courts, also. It takes a great deal of time to do all that is necessary to make drug courts successful and ours is a success.

I have visited every elementary school, middle school and high school in Randolph County. I want people to have access to justice and teach them not to be intimidated by the court system. I have truly made a difference in people's lives as the Circuit Judge, but I have blemished my record because I got involved in a relationship that I believed was real, but have learned, with the benefit of hindsight, that it was not.

I want people to recognize that I am a human being, subject to their same frailties; being circuit judge does not exempt me. It was those frailties that permitted me to become involved in a relationship I knew in my heart was wrong. I have disappointed my husband, Matt Wilfong, my family, Travis Carter's family and his wife and I have certainly disappointed those people who elected me as their Circuit Judge.

I have admitted my part in this relationship. I have admitted, in hindsight, how others could perceive that it was affecting the integrity of the office I hold and how others could say it had the appearance of impropriety. I admit that it did and I take full responsibility for it.

I have demonstrated that this relationship did not impair my work and it certainly did not impact my impartiality. The same attorneys who filed

complaints against me are still practicing in front of me. Some of them are my long-time friends. I respect their decisions to file the complaints against me because it let me see how they perceived the relationship and the effect it was having on peoples' perceptions of the judicial system. I respect the participants in this process, including Rachael Cipoletti, our Chief Disciplinary Counsel, who is participating in the investigation of these charges. And, to avoid any potential room for conflict, I have announced to the Supreme Court of Appeals of West Virginia my decision to resign my position on the Judicial Hearing Board, so that the Board may complete its work.

RESPONSE TO SPECIFIC ALLEGATIONS IN THE STATEMENT OF CHARGES:

1. I, Jaymie Godwin Wilfong, admit that I am the elected Circuit Judge serving the 20th Judicial Circuit of Randolph County, West Virginia. I also admit that Randolph County is a single county Judicial Circuit. I admit that I was sworn in on December 31, 2008 and that my current term of office expires on December 31, 2016. I also admit that from January 1, 2003 through December 31, 2008, I served as a Family Court Judge for the 20th Judicial Circuit.

2. I admit that I serve as a non-voting *ex-officio* Circuit Court Judge board member of the North Central Community Corrections program pursuant to West Virginia Code. I deny that I serve at the discretion of the Supreme Court of Appeals of West Virginia, as the statute governs my role on

the program. I also admit that I have the option of selecting a community based alternative sentencing program for those offenders who require less than institutional custody. I affirmatively aver that I have been a long-time supporter of the Community Corrections program and continue to support it to this day. It is a good program. I admit that the role of the North Central Community Corrections in Community Restorative Justice is to provide offenders with the necessary structure and guidance to lead a productive and healthy lifestyle for those offenders to be released from incarceration, and to provide a smooth-transition into the community, which is why I have used it since my term began. I believe in the program; I have supported it over the years; I have used the program as a term of bond for those offenders who are released from jail pending further court proceedings; and, the program is a success because it provides its participants with structure, daily interaction with correction's personnel, and it gives the program the ability to evaluate those offenders who may be having difficulties so as to avoid the commission of other offenses or violating a term of bond.

3. I deny that I set or changed the participation fee amount for the Community Corrections program. Though I may have that authority, I have not ever exercised it. I admit that I may require the payment of a participation fee, and I did that, just like every other judge in the State. The program has to

have income in order to support it. I also deny that I ordered participants to pay the fee for any unlawful purpose or to assist William Travis Carter.

I have ordered the fee to be paid during the entire time I have been on the bench. It did not change because of any relationship. The way I have utilized the program and ordered the payment of the fee did not change in any way because of any relationship. I did waive the fee at times, because of a litigant's inability to pay, and that certainly did not benefit the program or William Travis Carter, but I made an independent decision it was best for the litigant to waive the fee.

4. I admit the Supreme Court of Appeals of the State of West Virginia appointed me to the Judicial Hearing Board. I also admit it was for a term commencing on January 1, 2012 and ending on December 31, 2014. I also admit that the Judicial Hearing Board conducts hearings on formal complaints filed against judicial officers by the Judicial Investigation Commission. I admit that the Judicial Investigation Commission makes recommendations to the Supreme Court of Appeals of the State of West Virginia about the disposition of those complaints. I admit that because I am a member of the Judicial Hearing Board, pursuant to Rule 5 of the Rules of Disciplinary Procedure, Teresa A. Tarr, who serves as counsel for the Judicial Investigation

Commission, forwarded this matter to the Chief Lawyer Disciplinary Counsel Rachael Cipoletti to serve as its Special Counsel.

I have voluntarily removed myself from the Judicial Hearing Board because of the pendency of these charges. I do not want people to perceive that my serving on it somehow compromised the work of the Judicial Hearing Board.

RESPONSE TO THE FIVE COMPLAINTS:

Complaint No. 1: I.D. No. 142-2013—Self Report:

5. I admit that I first self-reported to the Judicial Investigation Commission the relationship I had with William Travis Carter on October 14, 2013. I also admit that the relationship was over prior to my self-reporting the same. I deny that I reported that the affair lasted until William Travis Carter's negotiated resignation from his employment on or about December 5, 2013, as the charge implies. The relationship was over and has been since early October 2013. I have not had any contact of any kind with Mr. Carter since the relationship was terminated. Any suggestion that I continued in the relationship after the self-report date is just factually incorrect. I did not have anything to do with his suspension or his negotiated resignation from his employment and I had no knowledge of it occurring until it was reported by others and in the media.

**Complaint No. 2: I.D. No. 143-2013—Complaint of Mary Wendekier,
Judge Wilfong's Law Clerk:**

6. I admit that on or about October 16, 2013 that Mary Wendekier filed a judicial ethics Complaint against me. I also admit that Ms. Wendekier is a member of the Court's staff and has been serving as my law clerk since I took office. In fact, she was the law clerk to our former Judge, John L. Henning. When I took the bench, I decided that she was doing a good job and have permitted her to continue to serve as my law clerk, even though she has filed a complaint against me. I admit that Ms. Wendekier is a member of the Bar for the State of West Virginia. I aver that Ms. Wendekier and I are friends and remain friends. I respect her right to file the complaint and understand why she felt compelled to file. I admit that I discussed the relationship with Mary Wendekier before January of 2012. I also admit that I told Ms. Wendekier that the relationship was over, which it was at the time of the discussion. I aver that following that meeting, William Travis Carter re-initiated the relationship with me. Thus, I deny any implication that I was untruthful with Ms. Wendekier about the relationship.

Ms. Wendekier knew that the relationship had been rekindled, but never said anything to me that she believed my relationship with William Travis Carter had, in any way, affected criminal matters involving North

Central Community Corrections that were pending before me. If she felt that way, she certainly could have brought that to my attention long before she did by way of this Complaint, as she has brought other things to my attention.

Complaint No. 3: I.D. No. 144-2013—Complaint of Michael W. Parker, Prosecuting Attorney for Randolph County:

7. I admit that Complainant Parker is the Prosecuting Attorney for Randolph County, West Virginia. When our former prosecuting attorney resigned, Mr. Parker was appointed to serve out his term. I admit that Complainant Parker is a member of the West Virginia State Bar. We are friends and have been for a number of years prior to Complainant Parker becoming the Prosecuting Attorney and remain friends. I admit that Mr. Parker filed a judicial ethics complaint against me on or about October 16, 2013 based upon his information and belief that I was involved in a romantic relationship with William Travis Carter. According to his Complaint, Mr. Parker was aware of the relationship prior to October 16, 2013 and one of the first people William Travis Carter told about the affair was Mr. Parker's wife, Jennifer, who was at the time a member of the probation department and worked very closely with Mr. Carter. I am rather certain that Mr. Parker knew about the relationship before he took office as the Prosecuting Attorney in January of 2012.

Despite the Prosecuting Attorney's knowledge of the affair, he never raised any objection about it prior to the filing of the judicial ethics complaint against me and never suggested formally, or informally, that he perceived anything wrong with my relationship with William Travis Carter. He never objected to anything in Court that occurred and it was not until the Complaint was filed did I learn of Mr. Parker's concern.

8. I admit that Mr. Parker alleged that I am the only judge in the Circuit and that I would be the only judge determining who would be ordered to be a part of the program, but those allegations are just not accurate. Other judges in Pocahontas and Tucker County, as well as the magistrates for Randolph, Tucker and Pocahontas County were all using the Community Corrections program as a term of bond.

Mr. Parker did not object to Mr. Carter or his employees from appearing before me and providing input about defendants. It should be made clear, however, that Mr. Carter never gave sworn testimony before me during after October of 2011 until his resignation. He did make recommendations about defendants being suitable candidates for participation in the program, as did members of his staff, and whether they should be restored to the program or terminated from it following a charge they had violated any terms and conditions of the program, but Complainant Parker is the person who would

bring the issue of a defendant's violation of the terms and conditions of the program to the Court's attention, most of the time, and would make a recommendation to me as well. Finally, I would aver that there were only two occasions where members of Mr. Carter's staff testified before me during the months encompassing the relationship.

Testimony concerning community corrections was rarely needed in order to establish a violation or problems with a litigant's participation on the program. If a litigant failed a drug test, the drug test was the evidence. If a litigant disputed the results, a specimen was sent to an independent lab for verification. Again, the lab result was the evidence.

9. I admit that Complainant Parker stated that wide-ranging community knowledge of the relationship between me and Mr. Carter had a negative impact on the public's perception of the judicial process and its integrity, but he never brought that to my attention, at any time, prior to the filing of this Complaint. I recognize in hindsight that those statements are true. I recognize that the judicial process and its integrity have been negatively impacted, but I never let it interfere with my work.

Complaint No. 4: I.D. No. 145-2013—Complaint of attorney Christopher W. Cooper:

10. I admit that Complainant Cooper is a member of the West Virginia State Bar and that he practices criminal law in Randolph County. Mr. Cooper was also a former Assistant Prosecuting Attorney for Randolph County and we are long-time friends. He has been a friend of my husband Matt Wilfong since they went to school together in Parsons, West Virginia. I admit that on or about October 21, 2013 that Complainant Cooper filed a judicial ethics complaint against me the complaint states that my relationship with William Travis Carter "placed the entire Randolph County Criminal Bar at peril." However, that statement is just not true. Mr. Carter was not a witness in any proceedings before me. Had Complainant Cooper felt that way and the entire criminal bar was at peril, I would have expected him to bring that issue to someone's attention. I admit that Complainant Cooper filed motions in two cases to have me recuse myself. And, as he knows, I did that. Mr. Cooper practiced in front of me for many months prior, with knowledge of the affair, without peril and filed a complaint against me, yet Mr. Cooper continues to practice before me and has not been at peril, despite the statement he made in the Complaint against me.

Complaint No. 5: I.D. No. 155-2013—Complaint of attorneys R. Mike Mullens, Heather Weese, Raymond LaMora, and David Wilmoth:

11. I admit that Complainants R. Mike Mullens, Heather Weese, Raymond LaMora and David Wilmoth are all members of the West Virginia State Bar and are all directors of the North Central Community Corrections program. I also admit that they filed a judicial ethics complaint against me and that the reason for said Complaint was that my relationship with William Travis Carter possibly created a conflict of interest and may have violated provisions of the Code of Judicial Conduct. I admit those allegations as being true because they could have violated the provisions of Code of Judicial Conduct and could have created a conflict of interest. William Travis Carter never testified in my court while any relationship was occurring, nor did my participation on the Board of Directors, as a non-voting *ex-officio* member have any real impact or benefit to Mr. Carter.

**JUDGE WILFONG'S FORMAL RESPONSE TO THE JUDICIAL
INVESTIGATION COMMISSION'S FINDING OF PROBABLE CAUSE**

CHARGE NUMBER 1:

I deny that I intentionally violated any of the Canons of the Code of Judicial Conduct. I tried very hard to preserve the integrity of the judiciary, but as this investigation has revealed, there is little question that the integrity

of the judiciary has been harmed. Even though I did not do anything that was legally wrong, it was morally wrong and it gave others the ability to question my integrity.

12. I deny the allegations contained in paragraph 12. I admit that I had a relationship that began in October of 2011, but it was not a surreptitious sexual relationship as described in Charge Number 1. Instead, it was an emotional affair that was not physical in the beginning and did not involve any sexual acts whatsoever until later on in the relationship and the relationship did not involve any sexual acts after September of 2012.

The relationship was hardly surreptitious, as alleged, as members of the bar, and court staff, now contend they and others were fully aware of the relationship despite the fact that they raised no objection with anyone prior to the filing of these complaints against me, after the relationship was over. I aver that after September of 2012, there was no sexual contact. Furthermore, after September of 2012, other than a luncheon with Travis Carter's father at Bob Evans Restaurant, a lunch meeting with my one of my friends, and a group of 6-7 of us all went in my personal vehicle to visit another Adult Drug Court to get ideas about how we could implement our program, we were not out anywhere together.

13. I admit that Court personnel would see William Travis Carter entering and exiting my office from a non-public entrance. The problem with that statement is that there are two ways into my office. Neither is a public entrance. Although Mr. Carter and others occasionally used the entrance from the courtroom, everyone that comes to see me uses the entrance through Mary Wendekier's office.

14. I admit, with reluctance, that I performed oral sex on William Travis Carter, prior to October of 2012, while in he was in my office on three or less times. I say it with reluctance because of the embarrassment and humiliation it causes my husband and William Travis Carter's wife. However, it was not public knowledge at any time, prior to the filing of these charges, as I did not disclose it publicly and I have not ever been told that William Travis Carter ever disclosed it. I have not ever lied or attempted to cover up this information, it was just not public knowledge. There were no other sexual acts of any kind after September of 2012. I deny that these acts occurred between court proceedings.

15. I admit, with reluctance, that I sent sexually explicit e-mails, texts, instant messages and nude photos of my breasts to William Travis Carter. Again, these things were not public knowledge prior to the filing of these charges. These things became known, publicly, because they were shared with

those involved in the investigation of this matter by me and were likely shared with others by William Travis Carter.

16. I admit that I have cried and been emotionally distraught while in the courtroom, but I deny that it was always related to the relationship with William Travis Carter. I am a human being with emotions. My grandfather lay dying in the hospital across town for a week. I was emotional during that time period as well, but I did not let it interfere with my work. I continued to do my job, just like I always do.

17. I admit that I disclosed the relationship with William Travis Carter with my judicial secretary, Tamatha Snodgrass, Mary Catherine Wendekier, my law clerk, Lori A. Gray, before she was the Assistant Prosecuting Attorney, and Attorney Phillip Isner. Travis Carter told me he wanted to be with me. He told his parents, and we visited them together. We went and told my parents together. It was not for some surreptitious purpose as seemingly implied in Charge Number 1.

18. I deny the allegations contained in paragraph 18 of Charge Number 1. I am not aware of any member of my staff having to supply reasons to anyone because of the circumstances surrounding the appearance of any relationship with William Travis Carter. I have apologized to my staff for the

grief I have caused them. I know it was difficult for them. With hindsight, I see that now.

19. I deny the allegations contained in paragraph 19 of Charge Number

1. I do recall that William Travis Carter would be in my office or in the jury room and I would be reminded of the time and that we were scheduled to go back to Court. However, there were many times I would have to be interrupted and be reminded that we were to return to court to complete the judicial day, for a number of reasons, unrelated to William Travis Carter, when there were other pressing judicial matters that were taken up during breaks from the courtroom. My staff is very good at helping me move cases along, for which I am grateful. It is important to run an efficient docket, which I do, and to suggest that I was not diligently carrying out the duties of court is not fair.

20. I deny the allegations contained in paragraph 20 of Charge Number

1. I am not aware of any responsibility to my court personnel or any of the Court's personnel policies that were violated by me. I do not know what responsibilities that are being referenced or personnel policies that were violated. I know that I put my court staff in an awkward position because they knew about the relationship, but again, I recognize that was a mistake.

21. I deny the allegations contained in paragraph 21 of Charge Number

1. I did not enlist Lori A. Gray, a member of the West Virginia State Bar, to

further any relationship or any sexual contact with William Travis Carter by repeatedly requesting the use of and utilizing the personal residence of Ms. Gray to meet with Mr. Carter as alleged. Those allegations are not true as presented.

William Travis Carter and I did spend time at Ms. Gray's house. I admit that I asked her on about four occasions to spend time with Mr. Carter at her house. There was no quid pro quo, as this allegation implies. In addition, William Travis Carter and I first went over to Ms. Gray's house because she had been through a similar situation and we wanted to get her perspective on it. Ms. Gray invited us to stay after she left. It was at her invitation. There were no visits to Ms. Gray's home after September of 2012.

Lori Gray and I are friends and we remain friends. In fact, I wrote one of her letters of recommendation for law school admission. I sincerely regret that Ms. Gray is involved in this situation. It is my fault that she is.

22. I admit some of the allegations contained in paragraph 22 of Charge Number 1. Lori Gray did practice before me in Family Court, when I was Family Court Judge, and she did practice before me as a criminal defense attorney. She does not generally practice before me as an Assistant Prosecuting Attorney. I do not recall any situations where Ms. Gray and Mr. Carter, or members of Mr. Carter's staff, were in my court on the same case,

but that could have happened. Furthermore, the visits to her home did not occur while she was the Assistant Prosecuting Attorney.

23. I admit that Lori A. Gray was assigned primarily to Magistrate Court as alleged in paragraph 23 of Charge Number 1. I would lack information to admit or deny what occurred in Magistrate Court and with Ms. Gray. I was not in Magistrate Court and did not participate in those proceedings.

24. I admit some of the allegations contained in paragraph 24 of Charge Number 1 as I did ask Phillip Isner to use his garage on two occasions between October of 2011 and September of 2012. I admit Phillip Isner is a licensed member of the Randolph County Bar, who practices criminal law before me. I deny the remaining allegations.

25. I deny the allegations contained in paragraph 25 of Charge Number 1. William Travis Carter did not testify before me at any time during the time of our relationship. I admit that Attorney Isner appeared before me, but I deny that I treated him any differently than any other lawyer practicing before me. I admit that Mr. Carter and his staff members provided comments to the Court concerning how defendants were doing on the community corrections program, but I deny that my relationship with William Travis Carter ever affected my decisions about use of the program. There were only two times that members of Mr. Carter's staff provided testimony before me during the

relationship. I used the program because I knew it worked. I am proud of the work that the Community Corrections program has done over the years, both during the tenure of William Travis Carter and after him.

26. I admit in part and deny in part the allegations contained in paragraph 26 of Charge Number 1. William Travis Carter did not testify before me during the time of our relationship. I admit that Mr. Carter and his staff members provided comments to the Court, at times, concerning how defendants were doing on the program, but I deny that any relationship with William Travis Carter ever affected my decisions about use of the program or decisions regarding who would or would not remain on it. I do admit that on two occasions during the course of the relationship members of Mr. Carter's staff provided sworn testimony. I also admit that Mr. Carter offered opinions about what should happen to persons on the program during our relationship, but I deny that our relationship impacted what I had done on any case, including those where Mr. Carter provided an opinion.

27. I deny the allegations contained in paragraph 27 of Charge Number 1. I admit that I had a conversation with the Supreme Court Administrator, Steve Canterbury, about the relationship and I do recall him raising ethical concerns about the relationship, but I do not believe that the time frame stated in this paragraph is accurate.

28. I deny the allegations contained in paragraph 28 of Charge Number 1. I did speak with Mr. Canterbury and told him the relationship was over. I just believe that the time frame listed is not consistent with my recollection.

29. I deny the allegations contained in paragraph 29 of Charge Number 1. There was no plan to be more clandestine about the relationship after any telephone calls with Mr. Canterbury on my part. Mr. Carter suggested it. It did not seemingly work, as many people were supposedly aware of it.

30. I admit that I was involved in an inappropriate relationship with William Travis Carter off and on during the period of October of 2011 through October of 2013. It was an inappropriate relationship because we were both married to other people. It was inappropriate because we engaged in an emotional and sometimes physical relationship outside our marriages. I am deeply saddened by the pain and anguish I have put my husband through and continue to put him through as I address the charges that have been filed against me. I aver that there were no sexual acts after September of 2012.

31. I admit that I did not seek the advice of the Judicial Investigation Commission prior to or during the relationship I had with William Travis Carter. I should have sought advise from the Judicial Investigation Commission, but I admit I did not. I deny that the relationship was a

clandestine one. There were many people who were aware of the relationship, though the general public was not.

CHARGE NUMBER 2:

32. I admit that I regularly attended meetings of the North Central Community Corrections Board of Directors. I was an *ex-officio* member of that Board. I did not dominate it, nor did I vote on anything. I was able to participate in discussions regarding Board issues, including operational budgets and salaries for the office, but that does not mean I did so, nor does it mean that my input made any difference to anyone. I deny I acted inappropriately in any of these discussions and doubt as a non-voting member that I had any real impact on what the Board did. The Board minutes would reflect that these issues were decided, a majority of the time, by unanimous vote, not on anything that was said by me. The budgets were submitted for approval and were developed by others prior to the Board's consideration of them. I did not sit on any committees or participate in the development of these budgets. It is just not fair to imply that I did something improper in assisting William Travis Carter by my participation on the Board.

33. I admit that I supported salary raises for Erin Golden, and I believe for Anthony Severino. I did not do this for any improper purpose. I also admit that I supported a salary increase for Mr. Carter in 2009, but that was long

before any relationship with him. I do not recall Mr. Carter even seeking a pay raise for himself outside of the standard county "cost of living" increase, which each county employee received. I do not specifically recall whether I participated in any discussions with the North Central Community Corrections board about equipment for Mr. Carter, but if I did, it was not for any inappropriate purpose. Clearly, the program needed supplies and equipment to operate. I supported North Central Community Corrections from the time I became Circuit Judge in January 2009 because I believed, and continue to believe, that the program is effective. I admit that I was able to participate in discussions regarding Board issues, including operational budgets and salaries for the office, but I deny that I acted inappropriately in any of these discussions and I doubt as a non-voting member that I had any impact on what the Board did. The Board minutes would reflect that these issues were decided, a majority of the time, by unanimous vote, not on my recommendation. The Board minutes would likely reveal that I did not participate in those discussions, as a general rule.

34. I admit that I once told William Travis Carter that I would not use North Central Community Corrections without his leadership and that I would share that with Randolph County Commissioner Mike Taylor. I did support Mr. Carter's work with Mike Taylor, and others, because he was doing a good job. I

did that before, during and after our relationship ended. I admit the remainder of the allegations. I would do the same with Erin Golden, the current Director. If she were to leave, I would tell Mike Taylor that I would question using the program without her. She does a good job of running its operation. Without good people, a community corrections program may not work or function properly and do what is required to make it a success.

35. I admit the allegations contained in paragraph 35. I have not attended any Board meetings of the North Central Community Corrections since October 2013. I did not want my attendance to be a distraction to the work that needed to be done by the Board. Instead, I let the Interim Director (now Executive Director) of the program, Erin Golden, know that I was available to help her in any way. I also asked that she advise me when she felt any issues pertaining to Mr. Carter were concluded and when she felt I could return to the board meetings without making the directors uncomfortable. She advised me that she felt I could return last month. I believe there has been one meeting I have missed since this time, as the meeting was scheduled when I was not available due to my heavy court schedule. I also admit I have not resigned my position on the board, as I intend to continue supporting the program under Ms. Golden's leadership. I did not want my attendance to be a distraction to the work that needed to be done by the Board. I have let the

Director of the program, Erin Golden, know that I am available if she needs me and she indicated that she felt the other Board members would feel comfortable if I returned to those meetings, but I have not.

CONCLUSION:

I admit that I made a personal mistake that has negatively impacted many. I take responsibility for it. I recognize that people have lost confidence in me. I have learned a number of very valuable lessons from my mistake. It is with a heavy heart that I acknowledge my actions have adversely affected the integrity of the judiciary, and in hindsight, I understand the improper appearance they have caused. Though I continued to diligently discharge the duties of my office, I did not recognize the impact of my relationship with William Travis Carter. I have learned a number of very valuable lessons from my mistake. I appreciate the opportunity to fully respond and to participate in the process.

Jaymie Godwin Wilfong, Judge
20th Judicial Circuit

By counsel,



David A. Sims
West Virginia Bar No. 5196

LAW OFFICES OF DAVID A. SIMS, PLLC
P.O. Box 2659
Elkins, West Virginia 26241
304-636-8000
david.sims@mywvlawyer.com

and,

Harry G. Deitzler
West Virginia Bar No. 981

HILL, PETERSON, CARPER, BEE & DEITZLER, PLLC
500 Tracy Way
Charleston, West Virginia 25311
304-345-5667
hgdeitzler@hpcbd.com

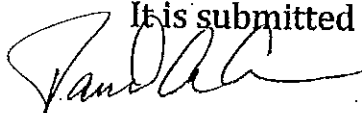
Certificate of Service

I, David A. Sims, as counsel of record for the Honorable Jaymie Godwin Wilfong, do hereby certify that I served the attached **JAYMIE GODWIN WILFONG'S, CIRCUIT JUDGE 20TH JUDICIAL CIRCUIT, RESPONSE TO FORMAL STATEMENT OF CHARGES** by depositing a true copy of the same upon counsel of record addressed as follows:

Rachael L. Cipoletti, Chief Disciplinary Counsel
Office of Disciplinary Counsel
4700 MacCorkle Avenue SE, Suite 1200C
Charleston, West Virginia 25304

David Jividen, Esquire
Jividen Law Offices, PLLC
729 Main Street
Wheeling, WV 26003

It is submitted this 26th day of April 2014.



David A. Sims
West Virginia Bar No. 5196

LAW OFFICES OF DAVID A. SIMS, PLLC
P.O. Box 2659
Elkins, West Virginia 26241
304-636-8000
david.sims@mywvlawyer.com