

Court: Circuit Case Number: CC-20-2024-P-346
 Judge: Mangdaleire Akers Created Date: 8/1/2024 Status: Open
 Case Type: Miscellaneous Case Sub-Type: Other - Criminal Security Level: Public
 Style: State of West Virginia v. Barack Howard Williams

Document ID	Document Type	Description	Entered Date	Entered By	Document Description	Entered Date	Entered By
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2-1.2	Trespassuit	E-File	8/1/2024	3	Order - Case - O: Transferring Juvenile to Adult Status; Relieving Ben Procuras as GAL & Juvco to Remian in Caskey (Until Further Order of Court/Akers (S-07312024))	8/1/2024	3

[REDACTED]
Ken Cos. 24JD-397X
Ken Cos. 24JD-ML-KNA[REDACTED]
Mary S. Givens

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
HONORABLE MARYCLAIRE AKERS

IN THE INTEREST OF:

24-P-340

24-JD-39

24-JD-41

BARACK HOWARD WILLIAMS
A Child Under the age of Eighteen

ORDER

On the 30th day of July, 2024, came the Petitioner, by Eric Cantrell and Madison Tuck, Assistant Prosecuting Attorneys, In and for Kanawha County, West Virginia, also came the Respondent, BARACK HOWARD WILLIAMS, In person and by his counsel, Herb Hively, as well as his guardian ad litem, Benjamin Freeman, pursuant to the State's motion to transfer the above-styled case to the criminal jurisdiction of the Court.

Whereupon, the State presented its case in chief, which consisted of two witnesses, Charleston Police Department Detective W.M. Lovett and West Virginia State Police Forensic Expert Jared Vittoe. The juvenile respondent presented no witnesses on his behalf. In consideration of the evidence presented to the Court, the arguments by counsel for the parties, and the entire record in this case, the Court hereby makes the following findings of fact:

1. That the evidence shows that on or about January 30, 2024, a robbery was committed upon the victim, Caden Martin, by the use and presentment of a firearm;
2. That the evidence further shows that on or about January 30, 2024, the victim Caden Martin was killed as a result of being shot with a firearm;

3. That the alleged offenses occurred at the Tobacco and Pipe store at 2809 7th Avenue, Charleston, Kanawha County, West Virginia. Further, the incident was recorded on security cameras both inside and outside the Tobacco and Pipe store;
- 4.. That BARACK WILLIAMS's date of birth is October 30, 2009, which made him fourteen (14) years of age at the time of the alleged offense, therefore, making him at least fourteen (14) years of age, but less than eighteen (18) years of age at the time of the alleged offense.

Further, In consideration of the evidence presented to the Court, the arguments by counsel for the parties, and the entire record in this case, the Court hereby FINDS there is PROBABLE CAUSE to believe:

1. That BARACK WILLIAMS arrived at the Tobacco and Pipe store on January 30, 2024 along with Bre'Juan Williams-Hampton, whereupon Bre'Juan Williams-Hampton entered the store wearing a mask while BARACK WILLIAMS remained near the door. Further, BARACK WILLIAMS is seen wearing a hoodie with the hood up and drawn closely across his face to obscure identification;
2. That while inside the store, Bre'Juan Williams-Hampton removed a firearm from his person whereupon the store employee, Caden Martin, raised his hands and proceeded behind the counter to remove money from the cash register as well as items from the shelves that were handed over to Bre'Juan Williams-Hampton and placed in a backpack carried by Bre'Juan Williams-Hampton;
- 2.
3. That while Bre'Juan Williams-Hampton was committing this act of robbery,

BARACK WILLIAMS stood near the door and acted as a lookout throughout the incident;

4. That while acting as a lookout, BARACK WILLIAMS, opened the door multiple times while the robbery took place, including at least one instance where he appears to take an item from near the door and place it in his pocket;
5. That in the course of the robbery Bre'Juan Williams-Hampton fired his handgun and struck Caden Martin, resulting in his death;
6. That multiple items were taken during the robbery including vape products and an ice cream bar. Further, at least one ice cream bar wrapper, as well as a backpack matching the one used by Bre'Juan Williams-Hampton during the robbery were located inside a detached garage at the residence of BARACK WILLIAMS;
7. That gunshot residue swabs were taken from BARACK WILLIAMS subsequent to the incident and that traces of gunshot residue were located on both right and left hand swabs taken from BARACK WILLIAMS;

WHEREFORE, based upon the evidence presented and the arguments of counsel, the Court makes the following conclusions of law:

1. There is probable cause to believe that on or about January 30, 2024, BARACK HOWARD WILLIAMS committed the crime of first degree robbery as contained in W.Va. Code §61-2-12(a), by standing as a lookout while the act of robbery took place upon Caden Martin and by taking an item while Bre'Juan Williams-Hampton held Caden Martin at gunpoint,

3.

2. Further, there is probable cause to believe that on or about January 30,

2024, BARACK HOWARD WILLIAMS committed the crime of felony murder, by both participating in and standing as a lookout during the commission of a robbery in which the victim was shot and killed, and that this murder was committed on Caden Martin.

3. Further, the State has shown by clear and convincing evidence that grounds for transfer exist pursuant to W.Va. Code 49-4-710(d) in that probable cause was found on the underlying offenses and the juvenile was shown to be between the ages of 14 and 18 at the time it occurred.
4. Having found probable cause to believe that the crimes of robbery and murder were committed and that BARACK HOWARD WILLIAMS committed them, this Court has a mandatory duty under W.Va. Code § 49-4-710 (d) (1) to transfer this proceeding to the criminal jurisdiction of the Court,

In consideration of all the foregoing, the Court concludes that the State of West Virginia has presented evidence sufficient to warrant a prudent person in the belief that BARACK HOWARD WILLIAMS committed the offenses of Robbery (W.Va. Code §61-2-12(a)) and Murder (W.Va. Code §61-2-1), which shall be transferred to the criminal jurisdiction of the Court.

It is therefore ORDERED that the above-styled petitions be transferred to the criminal jurisdiction of the Court and that the prosecution proceed thereon in the manner provided by law.

Furthermore, it is ORDERED that the guardian ad litem, Benjamin Freeman, previously appointed in the matter is hereby released from his duties.

It is further ORDERED that the Defendant shall continue to be held in detention

without bail pending further proceedings in this case.

The Court notes the **OBJECTIONS** and **EXCEPTIONS** of the juvenile respondent to all of the findings and rulings contained herein.

/s/ Maryclare Akers
Circuit Court Judge
13th Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courts.wv.gov/eFile/ for more details.