

IN THE MAGISTRATE COURT OF

Berkeley

COUNTY, WEST VIRGINIA

State of West Virginia

Case No. 24-MOZF-00153

v.

Misdemeanor/ Felony

Joseph A. DeSoto
Defendant (Full Name)

XXX-XX- 6438 02/22/1963
Social Security Number Date of Birth

105 Myrtle Drive
Address

F260487 (WV)
Driver's License / Identification Number

Gerrardstown, WV 25420
City, State & Zip Code

Phone Number(s)

CRIMINAL COMPLAINT

Mag. Ct. Criminal Procedure Rule 3,4;18 U.S.C §921(a)(33)

I, the undersigned complainant, upon my oath or affirmation, state the following is true and correct to the best of my knowledge and belief. On or about 12-10-2024, in Berkeley County, West Virginia, in violation of West Virginia Code § (*cite specific section, subsection, and or subdivision, if applicable*) 61-6-24/Threats of terrorist acts the defendant did (*state statutory language of the offense*) see attached.

I further state that this complaint is based upon the following facts: see attached.

Continued on an attached sheet? Yes No

(If this complaint involves misdemeanor assault / battery [West Virginia Code § 61-2-9] or misdemeanor domestic assault/ battery [West Virginia Code § 61-2-28], check all that apply.)

The defendant

- is/was the victim's spouse. is/was living with the victim as a spouse, parent, or guardian.
- is/was a parent or guardian of the victim. is a person who is like a spouse, parent, or guardian of the victim.
- has a child in common with the victim. has none of the above connections to the victim.

Complainant (who appears before Magistrate):

Sgt. Z. L. Nine
Complainant Name (Full Name)

14 Trooper Drive
Address

Martinsburg, WV 25401
City, State & Zip Code

(304) 267-0001
Phone Number(s)

Sergeant
Office or Title, if any

12/11/24 [Signature]
Date Complainant Signature

On this complaint, sworn or affirmed before me and signed in my presence on this date by the complainant, the item(s) checked below apply:

- | Finding | Issuance |
|--|--|
| <input type="checkbox"/> No probable cause found | <input type="checkbox"/> Summons issued |
| <input checked="" type="checkbox"/> Probable cause found | <input checked="" type="checkbox"/> Warrant issued |
| | <input type="checkbox"/> Warrantless arrest |

12-11-2024 [Signature]
Date Magistrate Signature

§61-6-24. Threats of terrorist acts, conveying false information concerning terrorist acts and committing terrorist hoaxes prohibited; penalties.

(a) As used in this section:

(1) "Economic harm" means all direct, incidental and consequential pecuniary harm suffered by a victim as a result of criminal conduct. Economic harm includes, but is not limited to, the following:

(A) All wages, salaries or other compensation lost as a result of the criminal conduct;

(B) The cost of all wages, salaries or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;

(C) The cost of all wages, salaries or other compensation paid to employees for time those employees spent in reacting to the results of the criminal conduct; or

(D) The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct.

(2) "Hoax substance or device" means any substance or device that is shaped, sized, colored, marked, imprinted, numbered, labeled, packaged, distributed, priced or delivered so as to cause a reasonable person to believe that the substance or device is of a nature which is capable of causing serious bodily injury or damage to property or the environment.

(3) "Terrorist act" means an act that is:

(A) Likely to result in serious bodily injury or damage to property or the environment; and

(B) Intended to:

(i) Intimidate or coerce the civilian population;

(ii) Influence the policy of a branch or level of government by intimidation or coercion;

(iii) Affect the conduct of a branch or level of government by intimidation or coercion; or

(iv) Retaliate against a branch or level of government for a policy or conduct of the government.

(b) Any person who knowingly and willfully threatens to commit a terrorist act, with or without the intent to commit the act, is guilty of a felony and, upon conviction thereof, shall be fined not less than \$5,000 nor more than \$25,000 or confined in a state correctional facility for not less than one year nor more than three years, or both.

State of WV

-V-

Joseph A DeSoto

On Wednesday, December 11, 2024, at approximately 1500 hours, Sgt. Nine spoke to a complainant at the Martinsburg Detachment. Sgt. Nine was advised she wanted to speak about threats that have been made to kill delegates within the West Virginia State legislator.

Upon speaking to the complainant, Sgt. Nine was advised delegate elect Joseph DeSoto was recently involved in a Republican Caucus meeting at the State Capital. Mr. DeSoto and other delegates were advised to be having a vote on removing Mr. DeSoto from his position for undisclosed reasons. It was advised he was voted out of his position, and he was upset. The complainant advised they had spoken to Mr. DeSoto on the phone, yesterday (Tuesday, December 10, 2024), and he advised all about what occurred at the Caucus and he said he was going to kill delegates. Mr. DeSoto advised he was going to kill Michael Hite, Pat McGeehan, Chuck Horst, Bill Ridenour and Roger Hanshaw. When asked what he meant by using the word "kill", he advised God called him to kill them.

Sgt. Nine was provided with emails between the complainant and Mr. DeSoto. The emails start on December 10, 2024 at 1514 hours and continue into December 11, 2024. In an email sent by Mr. DeSoto on December 10th, he states "they play stupid games they are getting stupid awards...I am upset only with the eastern panhandle delegates. I have only begun....and won't stop, I had a vision to destroy them from the angel of Moroni...Hite, Funkhouser, Horst and Wayne Clark." In the same email he ends with "they can all go to hell,,I will send them there as commanded". In an email from December 11th, Mr. DeSoto stated "I am focused on 4 people.who are evil....not angry but at peace what I need to do."

Upon talking to the complainant, Sgt. Nine also observed a text message conversation with the complainant and Mr. DeSoto. The complainant typed within the message "Now stop saying you're going to kill people." The response by Mr. DeSoto was "I did say I am going to kill people I said I am going what is necessary to put them from office".

Talking further with the complainant, it was advised Mr. DeSoto has a temper and can become very angry. Mr. DeSoto has been very upset over things that have been occurring with the political group and things that he believes are being said against him, and feels that he is being attacked and forced out of his position. The above events occurred in Berkeley County, West Virginia.