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No jail time for former Nelson investigator in election fraud case

Justin Faulconer

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William "Billy" Mays

Picasa



A former Nelson County investigator and sheriff's candidate will not serve jail time after entering an Alford plea Friday to one misdemeanor count of willful neglect of election law duties.

As part of the plea agreement, one count of election fraud, a Class 5 felony, against William "Billy" Everett Mays Jr. was dismissed in Nelson County Circuit Court on Friday.

Campbell County Circuit Court Judge John T. Cook, presiding over the case after Nelson's judge recused himself, accepted the plea and sentenced Mays to six months in jail with all time suspended.

Mays, 45, dressed in a suit, was silent as he sat in the courtroom, a stark contrast to previous court hearings where he testified in numerous criminal cases for the prosecution — including the May 2014 trial of Randy Allen Taylor, the Lovingson man convicted of killing and abducting Alexis Murphy.

Mays, who was lead investigator in the Murphy case, was not reappointed to the Nelson County Sheriff's Office after he was indicted on the two charges on Nov. 24, three weeks after his failed election bid for sheriff.

Sheriff David Hill, who won the seat, confirmed in early 2016 that Mays was not reappointed but did not go into further detail.

Charlottesville Assistant Commonwealth's Attorney Joseph D. Platania, the special prosecutor appointed in the case, said at Friday's hearing the Virginia State Police began an investigation into possible election law violations after a private citizen questioned whether Mays resided in Nelson County.

State law requires candidates to live in the district where they seek office, according to state election officials.

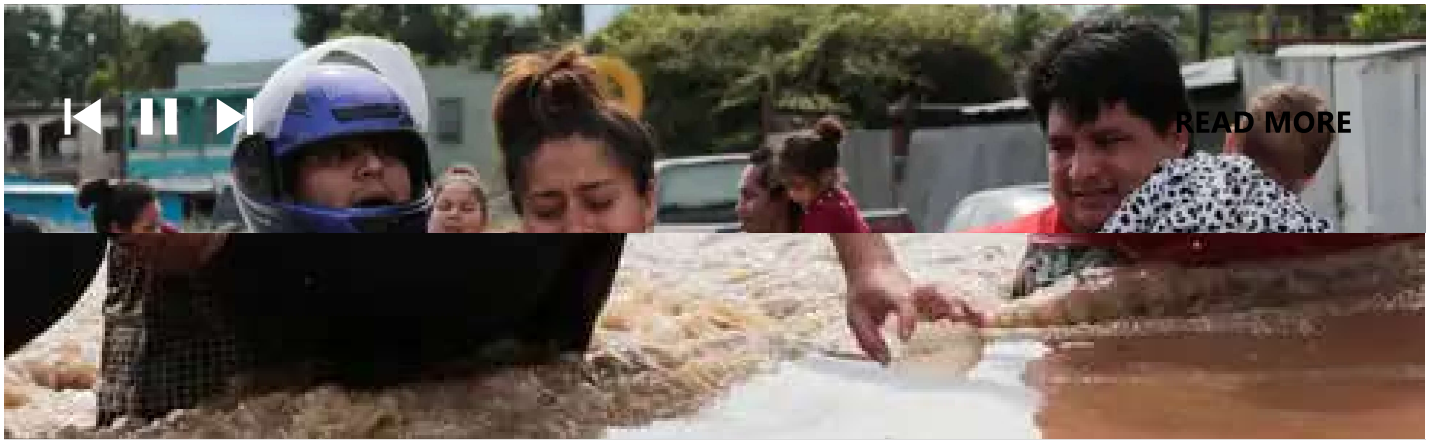
The investigation conducted by special agents found sometime in early 2015 Mays filled out a certificate of candidate qualification and certified on the form his residence was 115 Shiloh Loop in Faber, Platania said.

Mays signed and submitted the document to the Nelson County Circuit Court Clerk's Office on Feb. 5, 2015 in the presence of a clerk, who Platania said would have testified to such fact if the case had proceeded to trial.

The document Mays signed contains bold print stating: "Knowingly making any untrue statement or entry in this document is a felony under Virginia law," according to prosecutors' evidence.

Investigators determined the actual residents of the Shiloh Loop address were Richard and Jonae Buckley, Platania said. Jonae Buckley was interviewed Oct. 22 and stated Mays inquired about renting a room at her residence but never paid rent and never moved in, the prosecutor said.





She told investigators he never had any services such as a cellphone, utilities or satellite billed to her Shiloh Loop address, Platania said. Richard Buckley, her husband, said an Oct. 30 interview with investigators he owned the residence and never met Mays, Platania said.

“He stated that to his knowledge, Mr. Mays had never been to the residence,” Platania said.

The prosecutor said Mays was interviewed Oct. 22 by special agents and when asked if he had ever lived at the Shiloh Loop address responded, “Define live. It’s a very grey area.” When pressed further about whether he had ever spent a night at the Shiloh Loop address, Platania said Mays told investigators: “I don’t think that’s anybody’s business, again, define living. It’s a very grey area.”

Platania said while a case involving “dishonesty” in a candidate’s paperwork for public office is serious, Mays has no previous criminal history and the community would better benefit from public service than a jail sentence.

Though an Alford plea means a defendant does not admit guilt but acknowledges enough evidence exists for a conviction, Platania said Mays is taking responsibility.

“It’s a misdemeanor that will be on his record and follow him the rest of his life,” the prosecutor said.

After the hearing, Platania said Mays exercised “poor judgment.”

“I don’t think [it] is a case anyone feels good about,” he said.

Heather Goodwin, Mays’ attorney, said the former Nelson investigator has 16 years of “capable” law enforcement experience and has not been able to find employment since he left the Nelson County Sheriff’s Office. In court, she referred to the case as a “paperwork and documentation issue.”

Mays’ only statement in court was a soft, barely audible “no, sir” when Cook asked if he had anything to say before sentencing.

Cook said there is probable cause for a felony when a person running for public office files a document that is untrue. Going above the jointly recommended terms of the plea deal, the judge imposed a \$2,500 fine, the maximum penalty for a Class 1 misdemeanor.

“There has to be a message sent,” Cook said.

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