



Department of Justice

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Southern District of West Virginia

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MINGO COUNTY ATTORNEY PLEADS GUILTY TO FRAUD

CHARLESTON, W. Va. – A Mingo County, West Virginia attorney pleaded guilty yesterday for his role in fraudulently obtaining over \$119,000 in falsified legal fees.

William H. Duty, 56, of Delbarton, admitted he committed wire fraud while practicing as a court appointed attorney in criminal cases prosecuted in Williamson, West Virginia. Among other types of cases, Duty represented indigent clients in state criminal matters. As a normal practice, after a case was completed, Duty submitted a payment voucher form to the Circuit Court Judge for the Thirtieth Judicial Circuit of West Virginia, which includes Mingo County. The Circuit Court Judge reviewed the payment voucher and signed a court order authorizing payment. Duty then submitted the court order to the West Virginia Public Defender Services (“WVPDS”) for payment. As a general matter, the WVPDS took several months or more to reimburse Duty.

In December 2004, Duty entered into a cash-advance agreement with Daniels Capital Corporation (“DCC”), a corporation headquartered in Birmingham, Alabama, to expedite payment from WVPDS for his legal services. In exchange for prompt payments less a small percentage, Duty assigned his right to full payment from WVPDS to DCC. In essence, once Duty received the court order approving his payment voucher for a particular case, he would fax a copy of the order to both WVPDS and DCC. DCC would wire Duty the reimbursement less a percentage that same day or the next day. When WVPDS eventually processed the same payment voucher, WVPDS would pay DCC directly the full amount.

As stipulated in his plea agreement, from June 2005 until at least December 2007, Duty submitted a number of fraudulent court orders to DCC for payment. In some cases, Duty created a false court order. In other cases, Duty modified court orders by increasing the reimbursement amount. Among others, on or about February 16, 2006, Duty wired a falsified court order and payment voucher to DCC requesting \$2,780. In total, Duty fraudulently obtained \$119,375.87 from DCC in falsified legal fees.

Duty, who is scheduled to be sentenced on November 3, 2010, before United States District Judge John T. Copenhaver Jr., faces up to 20 years in prison and a \$250,000 fine.

Assistant United States Attorney Thomas C. Ryan is handling the prosecution. The U.S. Postal Inspection Service and the U.S. Secret Service jointly conducted the investigation.

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