

IN THE MAGISTRATE COURT OF CLAY COUNTY, WEST VIRGINIA

State of West Virginia
v.

Case No. 26-MD8F-00065

☐ Misdemeanor/ ☒ Felony

NEAL JAMES EDWARD

Defendant (full name)

XXX-XX-5970

Social Security Number

03 / 07 / 1992

Date of Birth

11756 CLAY HIGHWAY

Address

WV ID (Surrendered DL): 1559883

Driver's License / Identification Number

INDORE CLAY WV 25111

City, State & Zip Code

N/A

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 08 / 22 / 2026, in CLAY County, West Virginia, in violation of *West Virginia Code § (cite specific section, subsection, and/or subdivision, if applicable)* See Attachment A:

the defendant did *(state statutory language of the offense)*

See Attachment B:

I further state that this complaint is based upon the following facts: ☐ Check if continued on attached sheet.

See Attachment C:

(If this complaint involves any of the following relationships to the defendant, check all that apply.) The defendant:

- ☐ is/was married to the victim. ☒ is/was living in the same household with the victim.
☒ is/was a parent or guardian of the victim. ☐ is/was a person who is a sexual or an intimate partner of the victim.
☐ has a child in common with the victim. ☐ has none of the above connections to the victim.

(If this complaint involves driving under the influence (DUI) and any other traffic violations indicate the following.)

Refused secondary chemical test ☐ yes ☒ no

Is CDL holder ☐ yes ☒ no

Complainant (who appears before Magistrate):

Tpr. L. E. Whitt

Complainant (full name)

5650 Big Otter Highway

Address

Ivydale WV 25113

City, State & Zip Code

304-286-3185

Phone Number(s)

Trooper/ West Virginia State Police

Office or Title, if any

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

☐ No probable cause found

☐ Summons issued

☐ Probable cause found

☒ Warrant issued

☐ Warrantless arrest

09/09/2026
Date

Tpr. L. E. Whitt
Complainant Signature

9-9-26
Date

SJB
Magistrate Signature

Case No. 26-M08F-00065

IN THE MAGISTRATE COURT OF CLAY COUNTY, WEST VIRGINIA

CRIMINAL COMPLAINT (CONTINUATION PAGE)

Attachment A:

§17C-5-2(b) DUI Causing death (with deliberate disregard) x2; §17C-5-2(c) DUI Causing serious bodily injury; §61-8D-4a. Child neglect resulting in death x2; §61-8D-4 Child Neglect Creating Risk of Serious Bodily Injury or death.

Attachment B:

§17C-5-2(b)(1) Any person who drives a vehicle in this state while he or she is in an impaired state and does so with deliberate disregard for the safety of others, as defined in §17C-5-1 of this code, and such impaired state and deliberate disregard for the safety of others proximately causes the death of any person, including an embryo or fetus as defined in §61-2-30 of this code, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than five nor more than 30 years and shall be fined not less than \$2,000 nor more than \$10,000, and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for life

§17C-5-2(c) Any person who drives a vehicle in this state while he or she is in an impaired state, and such impaired state proximately causes serious bodily injury to any person, including an embryo or fetus as defined in §61-2-30 of this code, other than himself or herself, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than two nor more than 10 years and shall be fined not less than \$1,000 nor more than \$3,000, and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of five years or for a period of time conditioned on participation in the test and lock program in accordance with §17C-5A-3a of this code

§61-8D-4a(a) If any parent, guardian or custodian, or person in a position of trust in relation to a child shall neglect a child under his or her care, custody or control and by such neglect cause the death of said child, then such parent, guardian or custodian, or person in a position of trust in relation to a child shall be guilty of a felony and, upon conviction thereof, shall be fined not less than \$2,000 nor more than \$10,000 or committed to the custody of the Division of Corrections and Rehabilitation for not less than 10 nor more than 40 years, or both fined and imprisoned.

§61-8D-4(c) If a parent, guardian, custodian, or person in a position of trust in relation to a child neglects a child and by that neglect creates a substantial risk of death or serious bodily injury, as serious bodily injury is defined in §61-8B-1 of this code, of the child then the parent, guardian, custodian, or person in a position of trust in relation to a child is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one nor more than 10 years

STB 9-9-20

Pr. Z.E. White

26-M08F-00065

Attachment C:

On Saturday 22 August 2026 at approximately 1415 hours, Trooper L. E. Whitt of the West Virginia State Police, Sr. Tpr. Lane, Tpr. Simpkins, and DNR Officer Holcomb responded to the area of 11447 Clay Highway, Indore, WV, regarding a dispatched call for service referencing a single vehicle MVA with injuries and entrapment. EMS and Fire arrived on scene prior to law enforcement and began life saving measures and extractions from the vehicle.

All units arrived on scene and observed a silver in color 2008 GMC Acadia (1GKER13738J282199) with heavy front end damage. The vehicle appeared to have been traveling northbound on WV RT 16 before striking a stationary Liu Gong Front loader (heavy equipment owned by the Department of Highways) which was parked on the right (east most) side of the roadway (See Crash report WVSP26-3271 for further details). It should be noted the undersigned trooper collected evidence from the vehicle in the form of photographs depicting the vehicles whereabouts following the crash and marked the vehicles tire locations with marking paint for the purpose of preserving the incidents' facts for further crash reconstruction investigations.

The occupants of the vehicle were identified as follows: Driver- Mr. James E. Neal II, front seat passenger- James E. Neal III (7 years of age), passenger side rear occupant- Zayden Hurley (13 years of age), and Drivers Side Rear Occupant- E. M. 14 years of age (name redacted for the purpose of protecting the identity of surviving victim). EMS informed law enforcement that both James Neal III and Zayden Hurley were pronounced dead on the scene as a result of the trauma sustained during the crash. EMS contacted the Medical Examiner's Office and Ms. Brandy McClellan responded to the scene. Ms. McClellan provided the time of death for both Zayden Hurley and James Neal III as 1535 hours by Dr. Carrie McCabe and 1539 hours by Dr. Nolan respectively (See ME Report numbers 26-05233 and 26-05234 for more details).

The undersigned trooper knows Mr. Neal to have been struggling with methamphetamine use in the past. The undersigned trooper elected not to conduct standardized field sobriety testing on scene due to the emotionally charged nature of the scene, in conjunction with Mr. Neal having hit his head during the crash and exhibiting signs of head trauma. The undersigned trooper observed Mr. Neal to have a small laceration on his forehead and behind his left ear. The undersigned trooper observed several small lacerations on Mr. Neals' right hand and right wrist. Mr. Neal denied medical treatment by EMS on scene.

Mr. Neal provided a written statement on scene alleging he woke up at 0530 and took James, Zayden and E.M. to a football scrimmage in Richwood at 0930 hrs. Mr. Neal continues stating they "didn't get to leave until 1400hrs". The undersigned trooper knows this information to be inaccurate based on the time of the first call regarding the crash being dispatched and the amount of time it takes to drive from Richwood to the crash scene (approximately 90 minutes following posted speed limits). Mr. Neal states after stopping at the Go Mart and getting snacks

for the kids he was passing the Indore post office and, "I guess I fell asleep I guess + when I opened my eyes there was a loader parked beside rd+ soon as I opened my eyes we hit".

The undersigned trooper made several observations during personal contact phase of the investigation of Mr. Neal to include Mr. Neal exhibiting disoriented like behavior, excited mannerisms and tone, heavy perspiration in conjunction with piloerection, blank stare, raspy voice, flushed face, bruxism, and body tremors. The undersigned trooper noticed Mr. Neal's cadence of speech would fluctuate between very slow and methodical like speech patterns to very high-pitched fast speaking responses.

Following Mr. Neal being made aware of the two deceased children in the crash and the serious bodily injury's sustained by E.M., Mr. Neal made jokes with an acquaintance (approximately 200 meters down the road from the crash site) regarding the lacerations on his hand saying he, "wouldn't be able to use it for some time" whilst making gestures towards his penis mimicking masturbation.

Mr. Neal agreed to be transported by the undersigned trooper to Summerville Regional Medical Center for the purpose of determining the contents of his blood with special regard to narcotics, alcohol and other intoxicating substances. Mr. Neal was made aware that the test or tests of his blood could be used against him as evidence related to a crime. Mr. Neal admitted to the undersigned trooper that he had relapsed prior to the crash and that there would be methamphetamine and cannabis in his blood. Mr. Neal agreed to provide a sample of his blood whilst understanding its results could be used against him in a court of law at 18:13 hrs.

Following Mr. Neal's consensual blood draw and his further medical treatment, the undersigned trooper provided Mr. Neal a ride back to his home. Mr. Neal requested to exit the vehicle approximately half a mile past the crash site (before reaching his residence). The undersigned trooper obliged his request and asked Mr. Neal if he would be willing to go back on record for the purpose of the investigation. Mr. Neal was read his Miranda Warning and agreed to speak with the undersigned trooper without legal counsel present.

Mr. Neal admitted to having been clean from methamphetamines for almost five years. Mr. Neal stated he had relapsed and began using methamphetamines again within the last two weeks. Mr. Neal stated he would use methamphetamine every two or three days since he started using again. Mr. Neal stated the last time he had used methamphetamine he had snorted approximately 0.5 grams of methamphetamine on 20 Aug 2026 at approximately 2300 hrs. (approximately 39 hours prior to the crash). Mr. Neal described the amount of methamphetamine he had consumed as being, "a match stick in length".

Mr. Neal admitted to having smoked marijuana the night prior to the crash 21 Aug 2026 at approximately 2200 hrs. (approximately 16 hours prior to the crash). Mr. Neal stated he had smoked approximately 0.5g of marijuana and that it was, "a decent amount of weed". Mr. Neal stated the methamphetamine he was getting was "street grade" not prescription based, and that he

had gotten it from a friend. Mr. Neal admitted to not having any medical marijuana card or being prescribed any medications. Mr. Neal stated had he not been involved in the crash he would have been out later that evening (22 Aug 2026) for the purpose of getting more methamphetamines.

The undersigned trooper asked if he felt any symptoms of intoxication while driving, Mr. Neal said he did not. The undersigned trooper asked if Mr. Neal ever experienced any side effects of not using methamphetamines (besides wanting more methamphetamines), and Mr. Neal boasted about how he, "doesn't get dope sick". The undersigned trooper knows that a withdrawal symptoms associated with a persons habitual use of methamphetamine can include fatigue or excessive sleepiness especially once establishing a routine (i.e. using every two days).

The undersigned trooper submitted the blood draw kit to evidence at the WVSP Clay County detachment. The undersigned trooper completed a DMV-314. The undersigned trooper intends to apply for a search warrant regarding the Airbag Control Module (commonly referred to as the "black box") for the purpose of preserving vehicle data prior during and after the crash. The undersigned trooper worked extensively with CPS in order to protect any other children inside the home or in the immediate care of Mr. Neal.

Pending the lab results of Mr. Neals blood samples the undersigned trooper intends to charge him regarding the DUI Causing Death x2, DUI Causing serious bodily injury, Child neglect causing death x2, Child neglect creating risk of serious bodily injury or death.

On Monday 24 August 2026 at approximately 1400 hrs, Tpr. Simkins delivered the Blood Kit obtained from Mr. Neal on 22 Aug 2026 to the WVSP Lab in Charleston WV.

On Friday 28 August 2026 at approximately 1050 hrs, Tpr. Lane applied for and swore to the facts of the case regarding a search warrant for the Silver in color 2008 GMC Acadia bearing VIN: 1GKER13738J282199 registered to James E. Neal Jr. A subsequent search of the vehicle was conducted by Sr. Tpr. Lane and DNR Officer Holcomb. The search yielded a small, folded piece of paper sitting in the driver's seat of the vehicle containing approximately 2 grams (weighed with paper) of a partially burnt green leafy substance consistent with Sr. Tpr. Lanes' training knowledge and experience to be cannabis. The search also yielded the vehicles Air bag control module ("Black Box").

Crash reconstructionist; Sgt. Stephanie Adams of the Kanawha County SO, Cpl. Matt Lonsinger of the Kanawha County SO, and Cpl. Jerome Owens of the Charleston Police Department attempted to extract data from the Airbag Control Module while on scene but were unsuccessful due to not having the proper connector to extract the data from the specific year/make/model. Cpl. Owens informed the undersigned trooper that another attempt to extract the data from the airbag control module with the appropriate connector could be conducted the following week.

Tpr. Lane collected evidence from the vehicle in the form of digital photographs depicting collected evidence locations inside the vehicle, to include a photograph of the vehicle's

26-M08F 00065

speedometer (which appeared to have become non-operational following the violent impact and the vehicle losing connection to the battery) still displaying approximately 72 MPH.

On Monday 31 August 2026 The undersigned trooper transported the Air bag control module to Charleston WV to crash reconstructionist Cpl. Jerome Owens of the Charleston Police Department. Cpl. Owens was able to utilize the proper connector to attempt extracting data from the airbag control module. Although the Airbag control module passed all three checks no data was able to be extracted. Cpl. Owens theorized that the vehicle lost power so abruptly (due to the nature of the crash) that data was not able to be stored from the crash.

On Tuesday 08 September 2026 The undersigned trooper received a toxicology report from the West Virginia State Police Forensic Laboratory referencing the blood taken from Mr. Neal on 22 August 2026. The report identified Mr. Neals blood containing the following: Amphetamine 60.38 ± 6.03 ng/ml; Methamphetamine 378.91 ± 30.31 ng/ml; THC 1.89 ± 0.26 ng/ml; THC-COOH 15.78 ± 2.84 ng/ml. The undersigned trooper knows 000-100 ng/ml to be a medicinally appropriate (therapeutic- typically for narcolepsy) amount of methamphetamine to be present in ones blood. Mr. Neals blood indicated an amount over 3 times that of the medically appropriate range following the crash.

Based on the information obtained throughout the course of the investigation and the undersigned troopers training knowledge and experience regarding narcotics effects and the psychoactive nature of stimulants in conjunction with cannabis and their associated withdrawal symptoms; The undersigned trooper is requesting Criminal Complaints be signed by Clay County Magistrate Court for Mr. Neals arrest regarding DUI Causing Death x2, DUI Causing serious bodily injury, Child Neglect resulting in Death x2, Child neglect creating risk of serous bodily injury or death. Mr. Neal did operate a motor vehicle with three juvenile passengers while knowing he had an intoxicating substance (methamphetamine and cannabis) in his blood. Mr. Neal allowed his seven year old child to sit in the front seat of the vehicle. Mr. Neal crashed his vehicle into stationary pieces of DOH equipment in a straight stretch of the road. This crash resulted in the death of front seat passenger- James E. Neal III (7 years of age), passenger side rear occupant- Zayden Hurley (13 years of age), and seriously injured the Drivers Side Rear Occupant- E. M. 14 years of age. Based on Mr. Neal having known he had used an intoxicating substance and then electing to operate the motor vehicle with juvenile passengers he is directly responsible for the deaths and serious bodily injury sustained during the crash.

Tpr. Z. S. Whitt

IN THE MAGISTRATE COURT OF _____ CLAY _____ COUNTY, WEST VIRGINIA

☐ Out-of-County Warrant:

State of West Virginia
v.

Case No. 26-M08F-00065

JAMES EDWARD NEAL
Defendant (Full Name)

XXX-XX- 5970 03 / 07 / 92
Social Security Number Date of Birth

11756 CLAY HWY. 803 Fola Rd
Address

I559883
Driver's License / Identification Number

INDORE, WV 25111 Bickmore Wl 25019
City, State, & Zip Code

Phone Number(s)

INITIAL APPEARANCE: RIGHTS STATEMENT

Mag. Ct. Criminal Procedure Rule 5 (5.1 and 5.2 if applicable)

A. GENERAL: EITHER MISDEMEANOR OR FELONY OR BOTH

1. The magistrate has informed me that I am not required to make a statement, and that any statement I do make may be used against me.
2. The magistrate has informed me that I am charged with the ☐ Misdemeanor ☒ Felony Offense(s) of
DUI CAUSING DEATH (WITH DELIBERATE DISREGARD) X2; DUI CAUSING SERIOUS BODILY INJURY; CHILD NEGLECT RESULTING IN DEATH X 2; CHILD NEGLECT CREATING RISK OF INJURY OR DEATH

and that, if I am later found guilty or plead guilty, the possible penalties are (*mandatory minimum penalty, if any, and maximum penalty*)

Imprisoned in a state correctional facility not less than five nor more than 30 yrs and shall be fined not less than \$2,000 nor more than \$10,000 and shall have his license to operate a motor vehicle by the Commissioner of the DVP for life x2; Shall be imprisoned correctional facility for not less than two nor more than 10 yrs and shall be fine not less than \$1,000 nor more than \$3,000 and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the DMV for a period of five yrs or for a period of time conditioned on a participation in

3. The magistrate has informed me that I have the right to be represented by an attorney at every stage of the proceeding. If the statutory offense provides for a possible jail sentence, and if I cannot afford to hire an attorney and I meet the financial guidelines, an attorney will be appointed to represent me. I understand this right, and further understand that if I decide to represent myself, I cannot later claim that I was deprived of my right to be represented by an attorney.

DEFENDANT MUST INITIAL ONE OF THE FOLLOWING:

_____ (a) I give up my right to have an attorney represent me.

_____ (b) I want to hire an attorney to represent me.

JEN (c) I want an attorney appointed to represent me. I understand that if I am found guilty, I may be required to reimburse the State for attorney fees even if a court-appointed or public defender attorney is approved to represent me.

09/09/2026

Date

James Edward Neal
Defendant's Signature

IN THE MAGISTRATE COURT OF _____ CLAY _____ COUNTY, WEST VIRGINIA

Case No.: 26-M08F-00065

**MAGISTRATE COURT CRIMINAL
CONTINUATION SHEET**

Additional Information from Form: SELECT FORM

Page # _____; Section: _____

test and lock program in accordance with 17C-5A04(a); Shall be fined not less than \$2,00 nor more than \$10,000 or committed to the custody of the Division of Corrections and Rehabilitation for not less than 10 nor more than 40 yrs or both fined and imprisoned x2; shall be imprisoned in a state correctional facility for not less than one nor ore than 10 years.

09/09/2026

Date

Defendant's Signature

4. The magistrate has informed me that I have been charged with an offense for which the penalty is life imprisonment, and bail must be set by the circuit court.
5. The magistrate has informed me that I may be released from custody while awaiting further proceedings on the charge(s) stated above if I am able to make bail as follows: \$ 1,000,000.00 (12.00 Lakhs)
- ☒ Cash ☐ Recognizance: ☐ Personal ☐ 10% Cash Bond and 90% _____
☐ Property (Real Estate) ☐ Surety Company/Bail Bonds person).

If real property is used as security, a justification of surety ☐ IS or ☐ IS NOT required.

6. The magistrate has informed me that I will be given reasonable time and opportunity to talk with an attorney or some other person for the purpose of obtaining counsel or for arranging bail.

B. MISDEMEANOR CHARGE(S) ONLY

1. The magistrate has informed me that I have a right to plead not guilty, a right to a trial by jury or by a magistrate without a jury, and that if I plead guilty or no contest, I give up my right to a trial.
2. The magistrate has informed me that I have the right to demand a jury trial and, if I want a jury trial, I must let the magistrate court know in writing no later than twenty (20) days from the date of this initial appearance, or if I receive court-appointed counsel, twenty (20) days from the date an attorney is appointed. The magistrate has further informed me that if I demand a jury trial, I may not withdraw my demand for a jury trial if the prosecuting attorney objects to the withdrawal. If I do not demand a jury trial within the twenty-day period, I have also been informed that I give up my right to a jury trial. The magistrate will try my case without a jury, and an appeal of a magistrate court conviction will not entitle me to a jury trial in circuit court. I understand if I have a jury, the jury fee will be assessed against me if I am convicted.
3. (if applicable) The magistrate has informed me that if I have been charged with First Offense Driving Under the Influence of Alcohol in violation of *W. Va. Code § 17C-5-2(e)*, I may be eligible for the DUI Deferral Program. I understand that I have thirty (30) days from the date of my arrest to request to participate in the program as set out in *W. Va. Code § 17C-5-2b*.
4. (if applicable) The magistrate has informed me that it **SHALL** be unlawful for me to have/possess/own or purchase a firearm, including a handgun or long gun, or ammunition pursuant to federal law under *18 U.S.C. 922(g)(9)* if I am convicted of a domestic violence offense such as assault, battery, domestic assault, domestic battery, malicious wounding/assault, unlawful wounding/assault, or any attempt to commit a domestic violence offense involving the use of physical force or threatened use of a deadly weapon; and I am a current or former spouse, current or former intimate partner, parent or guardian of the victim, or have a child in common with the victim, or I am or was involved in another similar relationship with the victim, or currently or formerly cohabited with the victim. I understand that if I have any questions regarding whether or not this law makes it illegal for me to ship, transport, purchase, or possess a firearm or ammunition, I may consult an attorney.
5. The magistrate has informed me that if I am convicted or plead guilty, failure to pay in full all costs, fines, fees, forfeitures, restitution or penalties may result in the withholding of my West Virginia personal income tax refund pursuant to *W. Va. Code § 50-3-2c* or that a judgment lien may be placed against property I own or my account may be submitted to a state approved collection agency under the authority of *W. Va. Code § 62-4-17*.

09/09/2026

Date _____

Defendant's Signature

C. FELONY CHARGE(S) ONLY

The magistrate has informed me that

- 1 if I have been charged with a felony offense for which the penalty is life imprisonment, only the circuit court may set and grant bail;
2. I have the right to a preliminary hearing to determine whether or not any felony charge(s) should be bound over for possible presentation to a grand jury;
3. the preliminary hearing shall be held within ten (10) days of my initial appearance if I am in custody, or within twenty (20) days of my initial appearance if I am not in custody (*W. Va. Code § 62-1-8*).

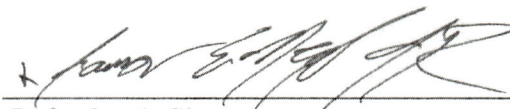
DEFENDANT MUST INITIAL ONE OF THE FOLLOWING THREE CHOICES:

_____ (a) I want a preliminary hearing.

_____ (b) I give up my right to a preliminary hearing.

SEN (c) I, or my attorney, will inform the court whether I want a preliminary hearing.

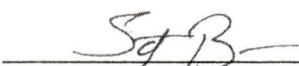
_____ 09/09/2026
Date

_____ 
Defendant's Signature

I have informed the defendant of the matters set out above. I find that any waiver of rights herein is made knowingly and voluntarily by the defendant.

_____ (initial if applicable) I certify that the defendant refused to initial and/or sign this document at the appropriate places.

_____ 09/09/2026
Date

_____ 
Magistrate's Signature

IN THE MAGISTRATE COURT OF CLAY COUNTY, WEST VIRGINIA

☐ Out-of-County Warrant:

State of West Virginia

Case No.: 26-M08F-00065

v.

JAMES EDWARD NEAL

Defendant (Full Name)

XXX-XX- 5970

Social Security Number

03 / 07 / 92

Date of Birth

H756 CLAY HWY. 803 Fola Rd.

Address

1559883

Driver's License / Identification Number

INDORE, WV 25111 Bickmore WV 25019

City, State, & Zip Code

Phone Number(s)

CRIMINAL BAIL AGREEMENT: CASH OR RECOGNIZANCE

WV Code: Cash Bond [§ 62-1C-12], P.R. [§ 62-1C-1a and 4], 10% Cash Bond [Trial Ct. Rule 31.01], Surety Company [§ 62-1C-4]

A. AMOUNT OF BAIL: The defendant having been charged with the ☐ Misdemeanor ☒ Felony Offense of

DUI CAUSING DEATH (WITH DELIBERATE DISREGARD) X2; DUI CAUSING SERIOUS BODILY INJURY; CHILD NEGLECT RESULTING IN DEATH X 2; CHILD NEGLECT CREATING RISK OF INJURY OR DEATH

and having a right to bail, this Court hereby sets bail for the defendant as follows: 1,000,000.00

☒ Cash ☐ Recognizance: ☐ Personal ☐ 10% Cash Bond and 90% ☐ Property (Real Estate) ☐ Surety Company/Bail Bondsperson).

If real property is used as security, a justification of surety ☐ IS or ☐ IS NOT required.

B. TERMS AND CONDITIONS FOR RELEASE ON BAIL

If admitted to bail, the defendant understands and agrees to

1. be present in person in the Magistrate Court of CLAY County on the _____ day of _____, 20____, at _____ ☐ a.m. / ☐ p.m.,

☐ or to be set as specified in a Notice of Hearing that will be mailed to the above address;

— 2. to be present in person at any other proceeding(s) concerning the above charge(s) and to obey any notice, process, or order issued by this Court, or the Circuit Court, until either Court has disposed of all matters with respect to the bail granted;

— 3. to appear and begin serving jail or prison time as ordered by the disposing Court if that Court renders a judgment of guilt on the offense(s) charged and imposes a penalty of incarceration;

— 4. to inform the Court immediately of any change of name, address, or telephone number;

— 5. ☒ may ☐ may not leave the State of West Virginia without written approval by this Court;

— 6. not to violate any state or federal laws;

7. to have no direct or indirect physical or verbal contact with (E.M., Juvenile) in this matter;
 alleged victim(s)

8. ☐ The defendant is charged with a crime against a current or former intimate partner or other family or household member. The defendant is a threat or danger to the victim or other family or household members. The defendant is prohibited from entering the residence or household of the victim, the victim's school, and the victim's place of employment or otherwise contacting the victim, and/or minor child or household member in any manner whatsoever.

09/09/2026

Date

[Signature]
Defendant's Signature

09/09/2026

Date

[Signature]
Magistrate's Signature

9. to comply with the following additional condition(s) of this bail:

Must submit to random drug and alcohol testing at his expense when directed by the court as a condition of his bond.

The defendant also understands and agrees that, if he or she is admitted to bail and does not fulfill the terms and conditions above, the full bail amount is subject to forfeiture and may be increased; that other penalties for violation of such terms and conditions may be imposed; and that, if the defendant fulfills the terms above, the surety will be released and the cash deposit returned, if appropriate, or the recognizance satisfied.

C. CONSENT TO APPLY DEPOSIT:

By signing below, I acknowledge that bail I have posted or secured may be subject to forfeiture if the defendant willfully fails to appear.

I ☐ agree or ☐ do not agree that the funds I have deposited may be used to cover restitution, court costs, fees, and fines if the Court renders a judgment of guilt against the defendant or the payment of restitution, court costs, fees, and fines are otherwise lawfully required.

Other Depositor or Surety Information:

Depositor / Surety (Full Name)

Address

Phone Number(s)

City, State, & Zip Code

XXX-XX-
Social Security Number

Date 09/09/2026

Other Depositor or Surety Signature(s), if any

Other Depositor or Surety Signature(s), if any

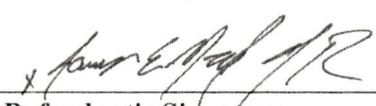
D. ADMISSION TO BAIL

Accordingly, the Court hereby approves bond for the defendant and ORDERS the defendant's continued freedom or release from custody.

Acknowledged before me this _____
(Date and Time)

Magistrate's Signature

Date 09/09/2026



Defendant's Signature

IN THE MAGISTRATE COURT OF _____ CLAY _____ COUNTY, WEST VIRGINIA

☐ Out-of-County Warrant:

State of West Virginia _____

Case No.: 26-M08F-00065 _____

v. _____

JAMES EDWARD NEAL _____

Defendant (Full Name) _____

☐ Misdemeanor / ☒ Felony

XXX-XX-5970 _____

03 / 07 / 92 _____

☒ M / ☐ F _____

Social Security Number Date of Birth Gender

MAGISTRATE COURT TEMPORARY JAIL COMMITMENT ORDER

WV Code: Cash Bond [§ 62-1C-12], P.R. [§ 62-1C-1a and 4], 10% Cash Bond [Trial Ct. Rule 31.01], Surety Company [§ 62-1C-4]

The Court hereby ORDERS **commitment** of the defendant to the custody of the WV Division of Corrections and Rehabilitation (WVDCR) for the following charges:

DUI CAUSING DEATH (WITH DELIBERATE DISREGARD) X2; DUI CAUSING SERIOUS BODILY INJURY;
CHILD NEGLECT RESULTING IN DEATH X 2; CHILD NEGLECT CREATING RISK OF INJURY OR DEATH

☒ Until 1,000,000.00 _____ bail is posted.

☒ Cash ☐ Recognizance: ☐ Personal ☐ 10% Cash Bond and 90% _____
☐ Property (Real Estate) ☐ Surety Company/Bail Bondsperson).

☐ To await Court action. Hearing date: _____

☐ To self-report to _____ on _____

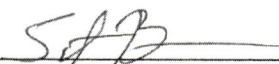
_____ at _____ ☐ a.m. / ☐ p.m.
Date Time

☐ Other (specify):

The Magistrate, Magistrate Assistant and /or Magistrate Court Clerk shall provide a copy of this Temporary Jail Commitment Order to the appropriate WVDCR Facility by facsimile and /or e-mail.

09-09-2026 1:36 pm

(Date/Time)


Magistrate's Signature

Received and executed by

Officer Taking Custody / Jail

(Date)

(Time)

Officer