

Linda Shute

~~XXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXX~~

Circuit Judge Steven Redding
Morgan County Courthouse
77 Fairfax Street
Berkeley Springs, WV 25411

September 14, 2018

Your Honor;

I'm writing to you about the July 16th trial for Erick Shute, accused of murder of three local men (there was a 4th at the scene) and attempted murder of Terry Marks on the border of my property. My sons' attorney Andrew Arnold instructed me to not bring up in the trial anything about what Jack Douglas, or William and Travis Bartley had done to us previously, nor all the things they had stolen from us, nor the times we had caught them dealing drugs on our property. Erick did not "ambush" these 4 criminals, he was reacting to one more incursion into our lives without any police resolution up to this time.

Erick was only reacting and had no fore-thought of harming these men. Like most houses in this area, we had a rifle for home defense, wild animals and hunting.

I purchased the property in August 2011. William and Travis Bartley lived on our property during 2012 and 2013. They were told to leave the Falling Waters Campground due to Travis fighting with other residents and destruction of campsite property. Early 2012 Travis started dating Kaylee Douglas, Jack Douglas's daughter and she was coming to our property to visit him. That's when all the drug dealing and stealing from us started taking place by these guys on our property. I did go to the sheriff's department about it and they did nothing about it, no records found. The agreement was they could live on our property rent free just split the electric bill and provide us and our property with security. We would come down weekly to bi-weekly to check on things.

In the summer of 2012 I purchase a 20lb. propane tank and installed it on our bar-b-que grill we used it once. When we came down the following week I went to use the grill again and it would not lite. After further investigating we noticed the rack was missing from inside and the tank had been replaced with an empty tank with a label from Falling Waters Campground, that's were William and Travis Bartley lived before they moved to our location. The propane tack I had purchased was attached to Williams trailer. Jeff confronted Travis and William about the propane theft and they lied about it. The following week when we came back, Jeff attempted to drive his Chevy Van to Berkley Springs and discovered no brakes going down the mountain the front and rear brake-lines had been cut. When Jeff began inspecting the van brake lines Travis

and William became very upset and were begging Jeff to allow them to do the repairs and claiming they had done brake lines before. Jeff said he would repair his own brakes and that's when he found the crimp marks on the lines where they had been cut. Again, this happened after we questioned them about stealing the propane tank. The second vehicle Erick and I used was a pick-up truck to fetch water brake lines had been had been disconnected. Erick discovered this the Monday morning of June 13, 2016. He was very shaken by this wondering who would try to harm us by tampering with the brakes. The night before, Sunday evening was when he first noticed Jack, William and Travis on Clarence McBees property and they also saw him looking at them. We had a mechanic-witness, Blaine Spring, to testify to this, but Erick's attorney told me he wanted to save face and "beating up on dead people would do no one any good." Blaine's written statement is enclosed. Some would consider tampering with brakes of their vehicle as attempted murder, we never reported it and I could have been driving either one of those vehicles at the time.

These three guys had threatened my son and our partner Jeff Blithe (truck owner). Jack Douglas threatened Erick, he said he would throw a brick through the truck windshield for creating dust while driving on a dirt road. A toxic response to an inevitable dust issue on rural dirt roads.

We had two witnesses ready to testify whom Jack and William had attempted to rape local women. When William and Travis (two of the three) lived on my property, William always carried a pistol, so on the fateful day my son assumed he was packing and was reaching for it.

None of this was allowed to be brought up in court. I tried to, but didn't get far with it. These three guys did not physically threaten me, but they did threaten my property and my son, and Jeff.

The jury could only have a slanted, only partial view of the real circumstances surrounding this terrible incident. My son would not harm anyone and has a very kind disposition. He does not do drugs nor drink, has no criminal record, was completely sober, lives a clean lifestyle and yet the jury takes the word of a violent drug abuser with a known criminal history.

I ask you, how could a jury have any idea of how bad these people were and why Erick was scared for his life if their backgrounds were not discussed to prove how violent they were?

Jack Douglas spent six months incarcerated for duct taping his wife to a chair, beating her, putting a gun in her mouth threatening to shoot her if she did not tell him the truth about something. Their daughter Kaylee Douglas saw this and told me this story about her parents. She also spoke about the "gangs" her father belonged to and how he would drink and do drugs becoming delusional.

West Virginia is the #1 state on opioids. The entire Douglas family is on drugs. Kaylee's children were found with drugs in their system when they were born and the state has taken the children from her because of all the drugs. The children are with a foster family. And the prosecutor makes her out to be a good mother - he has no idea about these people. This was not challenged in court.

I've had Great Cacapon families talk to me in the post office, in the dollar store, and the bank and "say tell your son thank you for the great service he did to our community, he did what the police and sheriff departments would never do anything about." "Let him know how sorry we are for what he is now facing and tell him the theft in this area has stopped". These people are complete strangers to me. One day at the drive-up window of the CNB Bank, an extra deposit slip was in the return envelope they sent back and a hand-written note, "God bless your son, tell him thank you, our family is praying for you and him".

What happened was a horrible thing that could have been avoided if Barbara Ramsey (current property owner where the incident took place) had told me the truth on Monday morning, instead of saying no one had permission to be on the property. Erick thought they were trespassing with the intent to steal property for drugs. When he told them to leave they threatened him with violence. If the four guys had told Erick they had permission to be there, instead of arguing and threatening him, none of this would have happened.

How could my son possibly get a fair trial? When prosecutors are concealing vital information. Anything can be used as a serious weapon. Jack Douglas had a chain saw. Erick was afraid for his life. He knew these people. He knew from when William and Travis Bartley lived here William was always carrying his revolver on him.

As for Terry Marks, the fourth guy who ran away, I never met him, but I did meet his wife early this spring at a neighbor's home. And the private investigator for Erick has the police record and photos of the badly beaten wife whom almost died do to a severe beating given by her husband Terry Marks. These were and are violent people. All of the information about their history of violence was suppressed by attorneys.

I remember early spring of 2013 I asked Travis to check with his father William to see if he had the money for their share of the electric bill, they were two months behind. William came out of the house in a rage shouting at Jeff and I screaming that he didn't give a fu_k about the electric bill, our fu_king property, or us. A huge argument between William, Travis and Jeff took place and I didn't know what I would do if someone started throwing punches or pulled out a gun. Both William and Travis became enraged and both had very glassy eyes I don't know what they were doing but this was the only time I was really scared to death of them. That was also the day we told them they had to leave and find someplace else to live.

During this 2012-2013 time frame there were also three times we had found them dealing drugs.

If he wanted to kill them, why wait till 2016 to do anything about it? This was not a pre-meditated incident! It was self-defense! Erick does not like violence and he is not a violent person by nature. He never started a fight in his life. These guys threatened him and started to come at him and he struck back in self-defense.

In 2012 an accident occurred on the McBee-Ramsey house next door where the incident took place. I was trying out a new gun and it was a bit too much for me. I missed my target, the bullet went high through the woods and hit Clarence McBee's house it entered the bedroom closet,

crossed the room and into the backdoor frame. A few hours later the state police showed up and William Bartley, who was living there at the time brought them to my door. The next day our friend Jeff, Erick and I went to pay a visit to Clarence McBee. He took us through the house and showed us the damage. I apologized to him for my actions and offered to pay for the damages. He apparently never did any repairs, he never gave me a price and the holes are still there so Prosecutor James tried to blame that bullet hole on my son as contributing fact to this case. Since Clarence McBee called the police and they came to my home there should be a report on file for this event. I went and looked at the house a few months ago and took pictures, there are no bullet holes as depicted by the prosecutor, except for the one I put there in 2012.

As for the witness Ed Hess, also my neighbor, we spoke on Gamble Lane the morning of Tuesday, June 17th on the way to the courthouse. Ed told me he was not going to testify and he could not be made to testify "because when you get up on the witness stand all you do is tell lies". I do believe that Ed may have heard gun shots but I don't believe he could hear conversation due to the distance and the thickness of the woods. Clarence McBee's property is on one side of mine and Ed Hess lives on the other side of me and I have 5.2 acres. I don't believe Ed Hess heard any conversation between the parties involved. I think telling lies is what he did. Ed also told me he remembered William always carrying his gun on him and William would come to Ed's home for coffee and conversation many times and William would tell him about all the building material and tools he had stolen from us. This information was also suppressed.

Erick worked as a Public Adjuster for a few years because he liked helping people in need. He has always had a soft heart, he is not a cold-blooded killer who would ambush anyone.

Approximately 2011 Erick started the Patriot Time Exchange through TimeBanks.org. there is no money exchanged it's like a barter system where you exchange one hour of your time for another person's one hour of time. In a poor economy that we were experiencing in 2011 Erick found many families in need of assistance. Simple things like a ride to the store, or an electrical outlet or appliance in need of repair, maybe someone's lawn needed cutting. Through his public adjusting experience he had built a large list of contacts and worked out deals with these people to exchange their services for another's services no money required just people helping other people in need. He would sometimes travel 2 hours one way to help out someone or spread the message of the Time Bank. He grew this group to over 120 people offering all kinds of services to help others in need. Over 1300 exchanges took place and no money ever exchanged hands for services of any kind. Erick's payment was the satisfaction of helping people. He would also sponsor Fire Department fund raisers and fund raisers for other charities of all types.

His motto was the more he helps others the more he helps himself. He would often times walk out the door stating he was going to go find someone he could help.

Erick has never been diagnosed with any type of type of mental disease. He was simply scared for his life and he acted in self-defense.

Your Honor are you to believe the word of Terry Marks, a proven drug addict with a violet history and criminal record or my son who is drug and alcohol free, no criminal record, has never do anything but help people as he was helping our neighbor trying to protect the property and acting in self-defense?

Which person would you want to be neighbors with? Terry Marks a known drug addict with a four-page criminal record and violet history or Erick with no criminal record or drug abuse, and know for helping others in need? Which one will you search your heart and believe?

The only thing my son is guilty of is self-defense.

I am asking you, no, I am begging you to please set aside the verdict for Erick and change it to self-defense.

Respectfully, Erick's mother,

Linda Shute



Certificate of Acknowledgement

State of West Virginia

County of Morgan

On 09-17-2018, before me, Ashley Spickler,
(date) (notary)

personally appeared,

Linda Skato
(signers)

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument

WITNESS my hand and official seal

Ashley Spickler
(notary signature)

My Commission Expires: April 14, 2022

(seal)

