

IN THE MAGISTRATE COURT OF PLEASANTS COUNTY, WEST VIRGINIA

State of West Virginia

v.

Case No. 25-M37M-00069

☒ Misdemeanor/ ☐ Felony

Barry N. Allen e 5406738

XXX-XX-0591

12 / 22 / 1955

Defendant (full name)

Social Security Number

Date of Birth

1170 Goose Run Road

RT097961-OH

Address

Driver's License / Identification Number

Marietta, OH 45750

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 03 / 12 / 2025, in PLEASANTS County, West Virginia, in violation of *West Virginia Code § (cite specific section, subsection, and/or subdivision, if applicable)* *see attached

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

*see attached

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

*see attached

(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):

Sgt. A.D. Wince

Complainant (full name)

418 2nd Street

Address

St. Marys, WV 26170

City, State & Zip Code

304-684-7011

Phone Number(s)

Sergeant

Office or Title, if any

03-12-25

Date

Sgt. A.D. Wince
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

☐ No probable cause found

☐ Summons issued

☒ Probable cause found

☐ Warrant issued

☒ Warrantless arrest

3-12-2025
Date

Mindy R. Hedges
Magistrate Signature

Sgt. A.D. Wince

03/12/25

St. Marys Police Dept.

Barry Allen Narrative

On, or about March 12th, 2025, at approximately 1254 hrs. I Sgt. A.D. Wince of the St. Marys Police Dept., hereinafter referred to as this officer, received a call from U-1 regarding trash impeding the sidewalk and an open dump at 205 Cherry Street St. Marys, WV 26170. While speaking with a Barry N. Allen, hereinafter referred to as the accused, about the junk laying around on the sidewalks and the junk in his yard he started using profanities while we were standing on the public sidewalk and stepping towards officers in a provoking manner. This officer advised the accused to stop cursing and using profanities. A few moments went by, and he continued to use the profanities. This officer went to place the accused under arrest at which time he resisted and refused to give up his hands. This officer and other officers assisted the accused to the ground while on the ground after multiple commands to give his hands and still refused.

All the above events occurred in
Plainsville County, WV
03-12-25

MXA
3/12/2024

25-M374-00069

§61-6-1b. Disorderly conduct; penalty.

(a) Any person who, in a public place, any office or office building of the State of West Virginia, or in the State Capitol complex, or on any other property owned, leased, occupied or controlled by the State of West Virginia, a mobile home park, a public parking area, a common area of an apartment building or dormitory, or a common area of a privately owned commercial shopping center, mall or other group of commercial retail establishments, disturbs the peace of others by violent, profane, indecent or boisterous conduct or language or by the making of unreasonably loud noise that is intended to cause annoyance or alarm to another person, and who persists in such conduct after being requested to desist by a law-enforcement officer acting in his or her lawful capacity, is guilty of disorderly conduct, a misdemeanor and, upon conviction thereof, may be confined in jail for twenty-four hours or fined not more than \$100: Provided, That nothing in this subsection should be construed as a deterrence to the lawful and orderly public right to demonstrate in support or protest of public policy issues

Autwit
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61-5-17. Obstructing officer; fleeing from officer; making false statements to officer; interfering with emergency communications; penalties; definitions.

(a) A person who by threats, menaces, acts, or otherwise forcibly or illegally hinders or obstructs or attempts to hinder or obstruct a law-enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, or a full-time deputy or assistant fire marshal acting in his or her official capacity is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500 or confined in jail not more than one year, or both fined and confined.

Ant
03-12-25

MAH
3-12-2025

Magistrate Court of Pleasants
ORIGINAL NON-CASE RECEIPT

Receipt Number: MC377999

Comment:

Cashier: JAK _____

Date: 03/17/2025

Printed on: 03/17/2025

Payor: Allen, Barry Noel

Quantity	Fee Description	Amount
4	Copy Fee	\$1.00
	Master Card Payment	-\$1.00
1	Credit Card Convenience Fee	\$0.02
	Master Card Payment	-\$0.02
Total Fees:		\$1.02
Total Paid:		-\$1.02
Balance:		\$0.00

Payments can be mailed to:
Pleasants County Magistrate Court
Pleasants County Courthouse
301 Court Lane
St. Marys, WV 26170