

IN THE MAGISTRATE COURT OF MARION COUNTY, WEST VIRGINIA

State of West Virginia
v.

Case No. 25-M24M-01254
 Misdemeanor/ Felony

Mary L. Retton-Kelly
Defendant (full name)

01 / 24 / 1968
Social Security Number Date of Birth

Address

Driver's License / Identification Number

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 05 / 17 / 2025, in Marion County, West Virginia, in violation of *West Virginia Code § (cite specific section, subsection, and/or subdivision, if applicable) §17C-5-2. Driving under influence of alcohol, controlled substances, or drugs; penalties*, 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.

Complainant (who appears before Magistrate):
T. Davis
Complainant (full name)
500 Quincy Street
Address
Fairmont, WV 26554
City, State & Zip Code
304-366-9280
Phone Number(s)
Patrolman
Office or Title, if any
5/17/25 
Date 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 |
| <input type="checkbox"/> No probable cause found | <input type="checkbox"/> Summons issued |
| <input checked="" type="checkbox"/> Probable cause found | <input type="checkbox"/> Warrant issued |
| | <input checked="" type="checkbox"/> Warrantless arrest |

5/17/25 
Date Magistrate Signature

25-M-1254

Facts;

On 5/17/2025 Mary L. Retton-Kelly (DOB: 1/24/1968) did operate a Grey Porche with TX Registration RCY1969, on the Fairmont Gateway connector while under the influence.

Officers responded to a reckless driver complaint for the described vehicle for it driving all over the roadway on the Gateway Connector headed towards downtown. The original complainant advised the vehicle turned into AutoZone. Officers made contact with Retton-Kelly shortly after in the driver seat of the vehicle while it was still running.

The odor of alcohol was emitting from her person during initial contact and Retton-Kelly was slurring her words. She would be administered Standard Field Sobriety test where she would show signs of impairment on all 3 phases. Officers also observed a screw top container of wine in Retton-Kellys passenger seat.

Retton-Kelly would refuse a roadside PBT as well as a secondary chemical test of her blood.

Retton-Kelly did not show any previous driving under the influence charges in the last 10 years.

These facts occurred in Fairmont, Marion County, West Virginia.