

SUPREME COURT OF APPEALS OF WEST VIRGINIA

City of Martinsburg v. Dunbar

City of Martinsburg v. Dunbar · No. No. 20-0492 · Decided January 28, 2022

SUMMARY

The Supreme Court of Appeals of West Virginia reviewed Rachel Dunbar’s municipal conviction for knowingly providing false or misleading information to a Martinsburg police detective under section 509.05 of the City of Martinsburg Municipal Code. The court held that, under the specific facts, Dunbar did not knowingly provide false information to a law enforcement officer because she was unaware of the detective’s status when she gave a false name and had no obligation to later correct it. The court reversed the conviction order and remanded the case for further proceedings.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Justice Jenkins
JURISDICTION	West Virginia
DECIDED	January 28, 2022
DOCKET	No. 20-0492
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Rachel Dunbar appealed her conviction in the Circuit Court of Berkeley County for knowingly providing false or misleading information to a member of the Martinsburg Police Department in violation of section 509.05 of the City of Martinsburg Municipal Code.
STANDARD OF REVIEW	Following a bench trial, the final order and ultimate disposition are reviewed for abuse of discretion, underlying factual findings for clear error, and questions of law de novo.
PRECEDENTIAL VALUE	Published opinion; binding precedent of the Supreme Court of Appeals of West Virginia.
PARTIES	Rachel Dunbar v. City of Martinsburg

TOPICS

- statutory interpretation
- ordinances
- municipal law
- criminal procedure
- appellate procedure

PRACTICE AREAS

municipal law

criminal procedure

appellate procedure

statutory interpretation

QUESTIONS PRESENTED

1. Whether a person violates section 509.05 of the City of Martinsburg Municipal Code by giving a false name before knowing that the person requesting it is a law-enforcement officer and then failing to correct the statement after learning the person's official status.
2. Whether the circuit court erred by concluding that Dunbar knowingly provided false or misleading information to a member of the Martinsburg Police Department.

HOLDINGS

1. Section 509.05 does not require a person who gives false or misleading information to someone the person does not know to be a law-enforcement officer to later correct that information after learning the person's official position.
2. Under the specific facts of the case, Dunbar did not violate section 509.05 by failing to correct the false name after Detective Smith identified himself as a law-enforcement officer.
3. Challenges to findings and conclusions following a circuit-court bench trial receive a two-pronged deferential review: abuse of discretion for the final order and ultimate disposition, clear error for factual findings, and de novo review for questions of law.

KEY QUOTATIONS

“Accordingly, this Court will not presume that the City of Martinsburg intended such an outcome.” (11)

“We, therefore, reverse the June 5, 2020 order of the Circuit Court of Berkeley County adjudging Ms. Dunbar guilty of violating section 509.05 of the City of Martinsburg Municipal Code by providing false information, and we remand to the circuit court for further proceedings consistent with this opinion.” (16)

FACTUAL BACKGROUND

A Martinsburg detective investigating potential credit-card fraud went to Dunbar's residence in street clothes and without circumstances making his law-enforcement status readily apparent. Before learning that he was a law-enforcement officer or the purpose of his inquiries, Dunbar gave him a false name. The detective later identified himself and explained that he was investigating criminal activity, but Dunbar did not provide her real name or correct the earlier statement. She was charged and convicted under section 509.05 of the City of Martinsburg Municipal Code.

PROCEDURAL HISTORY

Dunbar was convicted in Martinsburg Municipal Court after providing a false name to an investigator. She appealed to the Circuit Court of Berkeley County, which conducted a de novo bench trial and affirmed the conviction in a June 5, 2020 order. The Supreme Court of Appeals of West Virginia reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded to the Circuit Court of Berkeley County for further proceedings consistent with the opinion.

CASES CITED

- Public Citizen, Inc. v. First National Bank in Fairmont, 198 W. Va. 329, 480 S.E.2d 538 (1996)
- Town of Burnsville v. Kwik-Pik, Inc., 185 W. Va. 696, 408 S.E.2d 646 (1991)
- Vest v. Cobb, 138 W. Va. 660, 76 S.E.2d 885 (1953)
- Cogan v. City of Wheeling, 166 W. Va. 393, 274 S.E.2d 516 (1981)
- State v. Epperly, 135 W. Va. 877, 65 S.E.2d 488 (1951)
- Harvey v. City of Elkins, 65 W. Va. 305, 64 S.E. 247 (1909)
- State v. Srnsky, 213 W. Va. 412, 582 S.E.2d 859 (2003)

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