

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Jason E. Waybright v. David Ballard, Warden

No. 13-0899 (W. Va. Mar. 14, 2014) · No. No. 13-0899 · Decided March 14, 2014

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed the dismissal of Jason E. Waybright’s habeas corpus petition challenging his prison disciplinary conviction. The court held that strict compliance with the prison’s policy directive was not required where the proceeding satisfied applicable due process standards, rejected his equal protection claim, and concluded that he had no right to have the charge reduced to a lesser disciplinary violation. The decision was issued as a memorandum decision under Rule 21 of the West Virginia Rules of Appellate Procedure.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Per Curiam; Chief Justice Robin Jean Davis; Justice Brent D. Benjamin; Justice Margaret L. Workman; Justice Menis E. Ketchum; Justice Allen H. Loughry II
JURISDICTION	West Virginia
DECIDED	March 14, 2014
DOCKET	No. 13-0899
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner appealed the Circuit Court of Fayette County’s dismissal of his petition for a writ of habeas corpus challenging a prison disciplinary conviction and sanction.
STANDARD OF REVIEW	The final order and ultimate disposition in a habeas action are reviewed for abuse of discretion, underlying factual findings are reviewed for clear error, and questions of law are reviewed de novo.
PRECEDENTIAL VALUE	Nonprecedential memorandum decision under West Virginia Rule of Appellate Procedure 21
PARTIES	Jason E. Waybright v. David Ballard, Warden, Mt. Olive Correctional Complex

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether strict compliance with Policy Directive 325.00 was required to sustain Waybright's prison disciplinary conviction.
2. Whether Waybright had a right to have the charge reduced to the lesser disciplinary violation of physical contact.
3. Whether the unequal length of Waybright's sanction supported an equal protection claim.
4. Whether the disciplinary proceeding satisfied the due process standards applicable to inmate disciplinary proceedings.

HOLDINGS

1. Strict compliance with Policy Directive 325.00 was not required because the directive was a procedural guideline and did not create a liberty or property interest greater than otherwise provided by law.
2. Waybright had no right to have the charge reduced to a lesser disciplinary violation where sufficient evidence supported multiple violations and the State could choose which violation to prosecute.
3. The disciplinary proceeding satisfied applicable due process requirements, and the habeas petition was properly dismissed.
4. Waybright's equal protection claim was disregarded because it was not adequately supported by specific references to the appellate record.

KEY QUOTATIONS

“STRICT COMPLIANCE WITH POLICY DIRECTIVE 325.00 WAS NOT REQUIRED.” (at 3)

“Therefore, this Court concludes that petitioner had no right to be charged with a lesser violation.” (at 4)

FACTUAL BACKGROUND

On December 21, 2012, a correctional officer reported observing Waybright and two other inmates kiss each other on the cheek, grab each other on the buttocks, and hug in the prison. Waybright was charged under disciplinary rule 1.03(3), found guilty after a disciplinary hearing, and sentenced to sixty days of punitive segregation with loss of privileges. The hearing officer credited the investigator's testimony and rejected Waybright's request to reduce the charge to the lesser offense of physical contact and his request to call the other inmates as witnesses.

PROCEDURAL HISTORY

A correctional hearing officer found Waybright guilty of violating disciplinary rule 1.03(3), relating to sexual acts, and imposed sixty days of punitive segregation with loss of privileges. After administrative appeals were denied or treated as unfavorable, Waybright filed a habeas petition in the Circuit Court of Fayette County. The circuit court conducted a preliminary review and dismissed the petition on August 1, 2013. The Supreme Court of Appeals of West Virginia affirmed.

DISPOSITION

affirmed

CASES CITED

- Harrah v. Leverette, 165 W. Va. 665, 271 S.E.2d 322 (1980)
- Mathena v. Haines, 219 W. Va. 417, 633 S.E.2d 771 (2006)
- Snider v. Fox, 218 W. Va. 663, 627 S.E.2d 353 (2006)

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