

SUPREME COURT OF APPEALS OF WEST VIRGINIA

State of West Virginia v. Langley

No. 20-0903 (W. Va. Jan. 18, 2022) (memorandum decision) · No. No. 20-0903 · Decided January 18, 2022

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed Jon Langley’s convictions and sentences for attempting to disarm a law enforcement officer, misdemeanor battery on a law enforcement officer, and obstruction. The court dismissed his ineffective-assistance claim as unsuitable for resolution on direct appeal because the record was insufficient, rejected his unpreserved juror-bias claim, and upheld the denial of substitute appointed counsel.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice John A. Hutchison; Justice Elizabeth D. Walker; Justice Tim Armstead; Justice Evan H. Jenkins; Justice William D. Wooton
JURISDICTION	West Virginia
DECIDED	January 18, 2022
DOCKET	No. 20-0903
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from an order of the Circuit Court of Monongalia County sentencing Langley after a jury convicted him of attempting to disarm a law enforcement officer, battery on a law enforcement officer, and obstruction.
STANDARD OF REVIEW	The Court reviewed the circuit court's order under the applicable appellate standards and found no substantial question of law or prejudicial error. The denial of a request for substitute appointed counsel and the approval of counsel's withdrawal are reviewed under an abuse-of-discretion framework.
PRECEDENTIAL VALUE	Published memorandum decision under West Virginia Rule of Appellate Procedure 21; precedential status not otherwise stated in the opinion text.
PARTIES	Jon Langley v. State of West Virginia

TOPICS

ineffective assistance

jury selection

right to counsel

preservation of error

appellate procedure

PRACTICE AREAS

criminal procedure

appellate procedure

post-conviction relief

constitutional law

QUESTIONS PRESENTED

1. Whether Langley's ineffective-assistance claim based on counsel's failure to question or challenge a juror was cognizable on direct appeal.
2. Whether Langley preserved a claim that the juror was biased by failing to raise the issue or object in the circuit court.
3. Whether the circuit court erred by denying Langley's request for different appointed counsel without a hearing.
4. Whether Langley was entitled to substitute appointed counsel or to require counsel to renew the withdrawal motion before the trial judge.

HOLDINGS

1. Because the trial record was insufficient to determine whether counsel's conduct resulted from deficient performance or trial strategy, Langley's ineffective-assistance claim was not properly reviewable on direct appeal and was dismissed without prejudice to being reasserted in a habeas corpus proceeding.
2. Langley could not raise the juror-bias claim for the first time on direct appeal because he did not present the claim to the trial court or timely challenge the juror for cause before the jury was sworn.
3. The facts that the juror's aunt had worked for the Bureau of Prisons and was a court officer and that two cousins worked for the FBI, without more, did not demonstrate actual bias.
4. An indigent criminal defendant is not entitled to a particular appointed lawyer or a different appointed lawyer absent good cause, and Langley failed to establish good cause.
5. Langley had no right to a hearing on the motion to withdraw as appointed counsel because the applicable trial-court rule provides that the court may, rather than must, set the matter for hearing.

KEY QUOTATIONS

"Ineffective assistance claims raised on direct appeal are presumptively subject to dismissal." (at 2)

"When a defendant has knowledge of grounds or reason for a challenge for cause, but fails to challenge a prospective juror for cause or fails to timely assert such a challenge prior to the jury being sworn, the defendant may not raise the issue of a trial court's failure to strike the juror for cause on direct appeal." (at 3)

"Although an indigent criminal defendant has a right to be represented by counsel, he does not have a right to be represented by a particular lawyer, or to demand a different appointed lawyer except for good cause." (at 4)

FACTUAL BACKGROUND

Deputy J.D. Morgan and another officer attempted to execute a capias warrant and serve Langley with a family violence protective order. After Langley resisted handcuffing, head-butted Deputy Morgan twice, and grabbed for the deputy's firearm, he seized and discharged the deputy's taser into the deputy's forearm. At trial, a juror disclosed that relatives worked for the Bureau of Prisons, as a court officer, and for the FBI, but the juror did not express bias and neither party moved to strike him.

PROCEDURAL HISTORY

Langley was indicted on three counts, tried before a jury, convicted on all counts, and sentenced on October 19, 2020. He appealed, arguing ineffective assistance of counsel, juror bias, and error in denying his request for new appointed counsel. The Supreme Court of Appeals of West Virginia affirmed, dismissing the ineffective-assistance claim without prejudice to a later habeas petition and rejecting the remaining claims.

DISPOSITION

affirmed

CASES CITED

- O'Dell v. Miller, 211 W. Va. 285, 288, 565 S.E.2d 407, 410 (2002)
- Morgan v. Illinois, 504 U.S. 719, 729-30, 112 S.Ct. 2222, 2230, 119 L.Ed.2d 492, 503 (1992)
- State v. Peacher, 167 W. Va. 540, 280 S.E.2d 559 (1981)
- State v. Miller, 197 W. Va. 588, 597, 603, 605, 611, 476 S.E.2d 535, 544, 550, 552, 558 (1996)
- State v. Moore, No. 13-0332, 2013 WL 5708427, at *1 (W. Va. Oct. 21, 2013) (memorandum decision)
- State v. Bess, 185 W. Va. 290, 293, 406 S.E.2d 721, 724 (1991)
- City of Philippi v. Weaver, 208 W. Va. 346, 351, 540 S.E.2d 563, 568 (2000)
- State v. Hutchinson, 215 W. Va. 313, 599 S.E.2d 736 (2004)
- State v. Triplett, 187 W. Va. 760, 421 S.E.2d 511 (1992)
- State v. Woodson, 222 W. Va. 607, 621, 671 S.E.2d 438, 452 (2008)
- State v. Tommy Y., Jr., 219 W. Va. 530, 637 S.E.2d 628 (2006)
- Patton v. Yount, 476 U.S. 1025, 1035 (1984)
- Wainwright v. Witt, 469 U.S. 412, 424, 105 S.Ct. 844, 852, 83 L.Ed.2d 841, 851-52 (1985)
- Irvin v. Dowd, 366 U.S. 717, 723, 81 S.Ct. 1639, 1643, 6 L.Ed.2d 751, 756 (1961)
- Watson v. Black, 161 W. Va. 46, 52, 239 S.E.2d 664, 668 (1977)
- State v. Reed, 223 W. Va. 312, 317, 674 S.E.2d 18, 23 (2009)
- State v. Reedy, 177 W. Va. 406, 411, 352 S.E.2d 158, 163 (1986)