

SUPREME COURT OF APPEALS OF WEST VIRGINIA

State of West Virginia v. Gina Marie Jerrome

No. 13-0713 (W. Va. May 8, 2014) · No. No. 13-0713 · Decided May 8, 2014

SUMMARY

Justice Loughry concurs in affirming Gina Marie Jerrome’s grand larceny conviction under West Virginia’s single larceny doctrine. The concurrence emphasizes that whether conduct constitutes one or multiple larcenies depends on the totality of the circumstances and the number of separately formed intents proven by the evidence. Justice Workman joined the concurrence.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Justice Loughry
JURISDICTION	West Virginia
DECIDED	May 8, 2014
DOCKET	No. 13-0713
DISPOSITION	affirmed
PROCEDURAL POSTURE	Gina Marie Jerrome appealed her grand larceny conviction. The Supreme Court of Appeals of West Virginia affirmed the conviction under the single larceny doctrine.
PRECEDENTIAL VALUE	Separate concurring opinion in a Supreme Court of Appeals of West Virginia decision affirming a grand larceny conviction; the concurrence endorses the fact-specific single larceny doctrine reflected in the majority's new syllabus point.
PARTIES	State of West Virginia v. Gina Marie Jerrome

TOPICS

criminal procedure

statutory interpretation

evidence

PRACTICE AREAS

criminal law

criminal procedure

QUESTIONS PRESENTED

1. Whether separate takings from separate owners constituted a single larceny or multiple larcenies.
2. Whether the number of larcenies must be determined from the totality of the circumstances and the number of separately formed criminal intents shown by the evidence.
3. Whether Jerrome's grand larceny conviction should be affirmed under the single larceny doctrine.

HOLDINGS

1. Whether separate takings constitute a single larceny or multiple larcenies must be determined from the totality of the circumstances, including the number of separately formed intents proven by the evidence.
2. The jury was authorized to determine, from the evidence, that Jerrome committed one larceny rather than multiple larcenies.

KEY QUOTATIONS

“whether single or multiple convictions may be sustained depends on the evidence adduced.” (4)

“whether separate takings from separate owners constitutes a single or multiple larcenies (of whatever degree) must be determined from the totality of the circumstances and is dependent upon the number of separately formed intents as proven by the evidence.” (4)

“Although the jury could have well concluded from this evidence that the petitioner committed one, two, or three different larcenies of varying degrees, it found that one larceny occurred, as was within its province.” (3)

FACTUAL BACKGROUND

Jerrome stole property belonging to four victims from three purses located in two areas of a bar. Some of the property in purses located together exceeded \$1,000 in value, while another purse was located approximately twenty to thirty feet away. The evidence also showed that Jerrome had been observed circling the bar, which could support an inference that she was pursuing a broader larcenous scheme. The jury found that one larceny occurred, although the evidence could have supported findings of one, two, or three larcenies of varying degrees.

PROCEDURAL HISTORY

The case reached the Supreme Court of Appeals of West Virginia following Jerrome's conviction for grand larceny. The court affirmed, concluding that the conviction was properly sustained under the single larceny doctrine. Justice Loughry concurred separately, with Justice Workman joining.

DISPOSITION

affirmed

CASES CITED

- State v. McGilton, 229 W. Va. 554, 729 S.E.2d 876 (2012)
- State v. Goins, 231 W. Va. 617, 748 S.E.2d 813 (2013)

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