

SUPREME COURT OF APPEALS OF WEST VIRGINIA

State of West Virginia ex rel. Mark A. Sorsaia, Prosecuting Attorney for Putnam County v. Honorable Phillip M. Stowers, Judge of the Circuit Court of Putnam County, and Caleb Toparis

State ex rel. Mark A. Sorsaia, Prosecuting Attorney for Putnam County v. Hon. Phillip M. Stowers, Judge of the
Circuit Court of Putnam County, and Caleb Toparis, 236 W. Va. 747 (2016) · No. No. 15-0940 · Decided
February 11, 2016

SUMMARY

The Supreme Court of Appeals of West Virginia granted a writ of prohibition sought by the Putnam County prosecuting attorney after the circuit court dismissed misdemeanor charges against Caleb Toparis on speedy-trial grounds. The court held that a defendant who voluntarily waives trial in magistrate court and transfers misdemeanor charges to circuit court is governed by the circuit court three-term rule rather than the one-year magistrate-court rule. The court further held that the three-term rule is triggered by the return of a valid indictment, presentment, or information, vacated the dismissal order, and remanded the case.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Justice Loughry
JURISDICTION	West Virginia
DECIDED	February 11, 2016
DOCKET	No. 15-0940
DISPOSITION	writ_granted
PROCEDURAL POSTURE	The State sought an original writ of prohibition to prevent the circuit court from dismissing two misdemeanor charges on speedy-trial grounds.
STANDARD OF REVIEW	The court reviews a circuit court's legal rulings and statutory interpretations de novo.
PRECEDENTIAL VALUE	Published opinion with binding syllabus points from the Supreme Court of Appeals of West Virginia.
PARTIES	State of West Virginia ex rel. Mark A. Sorsaia, Prosecuting Attorney for Putnam County v. Honorable Phillip M. Stowers, Judge of the

TOPICS

speedy trial writ of certiorari criminal procedure appellate procedure statutory interpretation

PRACTICE AREAS

criminal procedure appellate procedure constitutional law statutory interpretation remedies

QUESTIONS PRESENTED

1. Whether the State could obtain a writ of prohibition against the circuit court's dismissal of misdemeanor charges on speedy-trial grounds.
2. Whether a defendant who voluntarily waives trial in magistrate court and transfers misdemeanor charges to circuit court remains subject to the one-year magistrate-court speedy-trial rule.
3. Whether the three-term rule in West Virginia Code section 62-3-21 is triggered by the filing of a valid information as well as by an indictment or presentment.
4. Whether Toparis's right to a speedy trial was violated under the applicable circuit-court rule.

HOLDINGS

1. The State may obtain a writ of prohibition where the circuit court exceeded its legitimate powers by dismissing the misdemeanor charges under an erroneous speedy-trial rule.
2. When a magistrate court grants a defendant's voluntary waiver of trial in magistrate court and transfers a misdemeanor charge to circuit court, the State is not required to bring the defendant to trial within one year of execution of the criminal warrant under the magistrate-court rule. The defendant's speedy-trial right is thereafter governed by West Virginia Code section 62-3-21.
3. The three-term rule in West Virginia Code section 62-3-21 is triggered by the return of a valid indictment, presentment, or information.
4. Toparis was not denied a speedy trial because, after the information was filed, he was scheduled for trial during the first full term of circuit court, well within the three-term rule.

KEY QUOTATIONS

“Accordingly, for the reasons set forth above, we now hold that when a magistrate court grants a motion filed by a defendant voluntarily waiving the right to trial in magistrate court on a misdemeanor charge and requesting the transfer of that misdemeanor charge to circuit court for resolution, the State is no longer required to bring the defendant to trial within one year of the execution of the criminal warrant as would otherwise be required by syllabus point three of Stiltner. Upon the magistrate court’s transfer of the misdemeanor charge to circuit court, the defendant’s right to a speedy trial is governed by West Virginia Code § 62-3-21.” (at 755-56)

“Accordingly, we further hold that the three-term rule set forth in West Virginia Code § 62-3-21 is triggered by the return of a valid indictment, presentment, or information.” (at 758)

FACTUAL BACKGROUND

A criminal warrant issued on April 24, 2014, charging Toparis with unlawful assault, domestic assault, and domestic battery. Toparis voluntarily appeared for arraignment and, after the preliminary hearing, voluntarily moved to transfer the two misdemeanor charges from magistrate court to circuit court, expressly waiving his right to a magistrate-court trial. The State filed an information charging the misdemeanors in circuit court on February 27, 2015, and the circuit court dismissed the charges because more than one year had elapsed since execution of the warrant.

PROCEDURAL HISTORY

Toparis was arrested on a warrant charging felony unlawful assault and misdemeanor domestic assault and domestic battery. After a preliminary hearing, he voluntarily waived trial in magistrate court and transferred the misdemeanor charges to circuit court. The State later filed an information, but the circuit court dismissed the misdemeanor charges under the one-year magistrate-court speedy-trial rule. The State petitioned for a writ of prohibition, and the Supreme Court of Appeals granted the writ, vacated the dismissal, and remanded.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The June 4, 2015 dismissal order was vacated, and the case was remanded for further proceedings consistent with the opinion.

CASES CITED

- State v. Lewis, 188 W. Va. 85, 422 S.E.2d 807 (1992)
- State v. Foddrell, 171 W. Va. 54, 297 S.E.2d 829 (1982)
- State v. Carrico, 189 W. Va. 40, 427 S.E.2d 474 (1993)
- State ex rel. Stiltner v. Harshbarger, 170 W. Va. 739, 296 S.E.2d 816 (1982)
- State ex rel. Spadafore v. Fox, 155 W. Va. 674, 186 S.E.2d 833 (1972)
- State ex rel. Johnson v. Zakaib, 184 W. Va. 346, 400 S.E.2d 590 (1990)
- State ex rel. Burdette v. Scott, 163 W. Va. 705, 259 S.E.2d 626 (1979)
- Hoffman v. Wheeling Sav. & Loan Ass'n, 133 W. Va. 694, 57 S.E.2d 725 (1950)
- State v. Crabtree, 198 W. Va. 620, 482 S.E.2d 605 (1996)
- West Virginia Department of Health and Human Resources Employees Federal Credit Union v. Tennant, 215 W. Va. 387, 599 S.E.2d 810 (2004)
- Taylor-Hurley v. Mingo County Board of Education, 209 W. Va. 780, 551 S.E.2d 702 (2001)
- State v. Kerns, 183 W. Va. 130, 394 S.E.2d 532 (1990)
- State v. Cook, 228 W. Va. 563, 723 S.E.2d 388 (2010)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/west-virginia-supreme-court-of-appeals-of-west-virginia/2016/state-of-west-virginia-ex-rel-mark-a-sorsaia-prosecuting-4v4vdjr4>