

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Paul K. Hardy v. Marvin Plumley, Warden

Hardy v. Plumley · No. 11-1281 · Decided February 11, 2013

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed the denial of Paul K. Hardy’s petition for a writ of habeas corpus. The court held that an evidentiary hearing was unnecessary and found no clear error or abuse of discretion concerning Hardy’s claims of ineffective assistance, competency issues, and an allegedly excessive sentence under the Eighth Amendment.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Per Curiam; Chief Justice Brent D. Benjamin; Justice Robin Jean Davis; Justice Margaret L. Workman; Justice Menis E. Ketchum; Justice Allen H. Loughry II
JURISDICTION	West Virginia
DECIDED	February 11, 2013
DOCKET	11-1281
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner appealed the Circuit Court of Berkeley County’s denial of his petition for a writ of habeas corpus.
STANDARD OF REVIEW	In a habeas appeal, the final order and ultimate disposition 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PRECEDENTIAL VALUE	nonprecedential memorandum decision
PARTIES	Paul K. Hardy v. Marvin Plumley, Warden

TOPICS

state post-conviction relief

habeas corpus

ineffective assistance

competency to be executed

appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the circuit court erred by denying habeas relief without conducting an evidentiary hearing.
2. Whether the record supported Hardy's claims of ineffective assistance of counsel and competency problems.
3. Whether Hardy's sentence violated the Eighth Amendment.

HOLDINGS

1. A habeas court may deny a petition without an evidentiary hearing when the petition and accompanying documentary materials demonstrate to the court's satisfaction that the petitioner is entitled to no relief; the circuit court properly applied that principle here.
2. The circuit court did not clearly err or abuse its discretion in denying Hardy's claims, and its order was affirmed.

KEY QUOTATIONS

"In reviewing challenges to the findings and conclusions of the circuit court in a habeas corpus action, we apply a three-prong standard of review. We review the final order and the ultimate disposition under an abuse of discretion standard; the underlying factual findings under a clearly erroneous standard; and questions of law are subject to a de novo review." (1)

"A court having jurisdiction over habeas corpus proceedings may deny a petition for a writ of habeas corpus without a hearing and without appointing counsel for the petitioner if the petition, exhibits, affidavits or other documentary evidence filed therewith show to such court's satisfaction that the petitioner is entitled to no relief." (1)

FACTUAL BACKGROUND

Hardy entered an Alford plea to multiple felony offenses, including first-degree robbery, burglary, wanton endangerment with a firearm, and destruction of property. In state habeas proceedings, he alleged that counsel coerced his plea, failed to investigate and explore mental-health defenses, failed to explain his appellate rights, and that he was incompetent when he pleaded guilty. He also challenged the severity of his sentence under the Eighth Amendment.

PROCEDURAL HISTORY

Hardy pleaded guilty under an Alford plea to first-degree robbery, burglary, two counts of wanton endangerment with a firearm, and destruction of property. He later filed a state habeas petition alleging ineffective assistance of counsel, competency issues, and an unconstitutional sentence. The Circuit Court of Berkeley County denied relief without an evidentiary hearing, and the Supreme Court of Appeals of West Virginia affirmed.

DISPOSITION

affirmed

CASES CITED

- Mathena v. Haines, 219 W. Va. 417, 633 S.E.2d 771 (2006)
- State ex rel. Franklin v. McBride, 226 W. Va. 375, 701 S.E.2d 97 (2010)
- Perdue v. Coiner, 156 W. Va. 467, 194 S.E.2d 657 (1973)
- State ex rel. Watson v. Hill, 200 W. Va. 201, 488 S.E.2d 476 (1997)

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