

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Brandon Rice v. Marvin Plumley, Warden

No. 12-0902 (W. Va. July 8, 2013) · No. No. 12-0902 · Decided July 8, 2013

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed the denial of Brandon Rice’s petition for a writ of habeas corpus. Rice argued ineffective assistance of counsel, lack of a factual basis for his voluntary manslaughter plea, involuntariness, and failure to receive the case record. The court held that the record established a factual basis for the Kennedy plea and that the circuit court did not abuse its discretion.

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	July 8, 2013
DOCKET	No. 12-0902
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner appealed the Circuit Court of Fayette County’s denial of his petition for a writ of habeas corpus challenging his voluntary-manslaughter conviction and sentence.
STANDARD OF REVIEW	In a habeas corpus action, 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PRECEDENTIAL VALUE	Nonprecedential memorandum decision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	Brandon Rice v. Marvin Plumley, Warden, Huttonsville Correctional Center

TOPICS

- post-conviction relief
- habeas corpus
- ineffective assistance
- plea bargaining
- appellate procedure

PRACTICE AREAS

post-conviction relief

criminal procedure

habeas corpus

ineffective assistance

plea bargaining

QUESTIONS PRESENTED

1. Whether the circuit court erred in denying habeas relief on Rice's ineffective-assistance-of-counsel claim.
2. Whether the record established a factual basis for Rice's guilty plea and conviction for voluntary manslaughter.
3. Whether Rice's claim that pre-existing injuries and alcoholism caused the victim's death entitled him to habeas relief or deprived the circuit court of jurisdiction.
4. Whether Rice was entitled to relief based on his assertion that he had not received a copy of the case record.

HOLDINGS

1. The circuit court did not abuse its discretion in denying Rice's petition for a writ of habeas corpus.
2. The appendix record established a factual basis for Rice's guilty plea and conviction, including evidence that the victim's death resulted from the injuries sustained in the altercation.
3. Rice failed to establish a defect in counsel's performance sufficient to warrant habeas relief.

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.” (2)

“The appendix record establishes a factual basis for petitioner’s guilty plea and conviction. Therefore, after careful consideration, this Court concludes that the circuit court did not abuse its discretion in denying the petition for a writ of habeas corpus.” (3)

FACTUAL BACKGROUND

Rice became involved in an altercation with Kenneth Lee Workman over Workman's dog. Workman suffered a skull fracture, subdural hematoma, and cerebral hemorrhage, remained alive for approximately one month, and then died; the forensic pathologist classified the manner of death as homicide. Rice was indicted for second-degree murder but entered a Kennedy plea to voluntary manslaughter and received a fifteen-year sentence. In habeas proceedings, Rice challenged counsel's performance, the factual basis and voluntariness of his plea, and the State's handling of medical and case records.

PROCEDURAL HISTORY

After the victim died from injuries sustained in an altercation, Rice was indicted for second-degree murder and entered a Kennedy plea to voluntary manslaughter. The circuit court sentenced him to fifteen years in prison.

Rice later filed a habeas petition alleging ineffective assistance of counsel, an involuntary or factually unsupported guilty plea, and failure to provide him the record. The circuit court denied relief, and the Supreme Court of Appeals of West Virginia affirmed.

DISPOSITION

affirmed

CASES CITED

- Kennedy v. Frazier, 178 W.Va. 10, 357 S.E.2d 43 (1987)
- State v. Miller, 194 W.Va. 3, 459 S.E.2d 114 (1995)
- Mathena v. Haines, 219 W.Va. 417, 633 S.E.2d 771 (2006)
- State v. Durham, 156 W.Va. 509, 195 S.E.2d 144 (1973)
- Perdue v. Coiner, 156 W.Va. 467, 194 S.E.2d 657 (1973)
- Brady v. Maryland, 373 U.S. 83 (1963)

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