

SUPREME COURT OF APPEALS OF WEST VIRGINIA

State of West Virginia v. Edwin Mack Taylor

No. 18-0502 · No. No. 18-0502 · Decided April 21, 2020

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed the denial of Edwin Taylor’s request for additional credit for time served. The court held that constitutional principles requiring credit for pretrial confinement did not require credit toward Taylor’s felony sentence for time spent incarcerated on separate, unrelated charges that were dismissed under a universal plea agreement. Taylor was constitutionally entitled to credit for the twelve days served on the offense for which he was convicted.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Justice Walker
JURISDICTION	West Virginia
DECIDED	April 21, 2020
DOCKET	No. 18-0502
DISPOSITION	affirmed
PROCEDURAL POSTURE	Edwin Mack Taylor appealed the Circuit Court of Randolph County's denial of his Rule 35 motion seeking additional credit against his sentence for time spent incarcerated on charges dismissed under a universal plea agreement.
STANDARD OF REVIEW	A Rule 35 decision is reviewed for abuse of discretion; underlying factual findings are reviewed for clear error; and questions of law and statutory or rule interpretation are reviewed de novo.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Edwin Mack Taylor v. State of West Virginia

TOPICS

- sentencing
- criminal procedure
- double jeopardy
- equal protection
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- sentencing and corrections
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Double Jeopardy and Equal Protection Clauses of the West Virginia Constitution required credit against Taylor's felony sentence for time he spent incarcerated on separate March 2017 charges that were dismissed as part of the same universal plea agreement.
2. Whether West Virginia Code § 61-11-24 required credit for confinement on unrelated offenses resolved in the same plea agreement.
3. Whether the circuit court abused its discretion or otherwise erred in denying Taylor's Rule 35 motion for additional credit for time served.

HOLDINGS

1. The Double Jeopardy and Equal Protection Clauses of the West Virginia Constitution do not constitutionally require credit against a sentence for time spent incarcerated on separate, factually and temporally unrelated charges merely because those charges were dismissed as part of the same universal plea agreement.
2. West Virginia Code § 61-11-24 does not require credit against a sentence for confinement on separate, unrelated offenses; the twelve days spent incarcerated awaiting trial and conviction on the offense of conviction were properly credited.
3. The circuit court did not abuse its discretion or otherwise err in denying Taylor's Rule 35 motion for additional time-served credit.

KEY QUOTATIONS

“In reviewing the findings of fact and conclusions of law of a circuit court concerning an order on a motion made under Rule 35 of the West Virginia Rules of Criminal Procedure, we apply a three-pronged standard of review.” (syllabus point 1)

“The Double Jeopardy and Equal Protection Clauses of the West Virginia Constitution require that time spent in jail before conviction shall be credited against all terms of incarceration to a correctional facility imposed in a criminal case as a punishment upon conviction when the underlying offense is bailable.” (syllabus point 2)

“But, where a criminal defendant is incarcerated on separate charges unrelated to his conviction, we have consistently found that criminal defendant is not constitutionally entitled to credit for that time served toward his sentence.” (at 5-6)

FACTUAL BACKGROUND

Taylor was arrested in September 2016 on firearm and controlled-substance charges and spent twelve days in jail before posting bond. After a separate March 2017 arrest on grand-larceny, controlled-substance, and interference charges, he remained incarcerated because he could not post bail. Under a universal plea agreement, Taylor pleaded guilty to felony carrying a concealed firearm by a prohibited person, the March 2017 charges were dismissed, and he agreed to pay restitution relating to a July 2016 fraudulent-schemes charge. The sentencing

court credited him with only the twelve days served on the felony charge, not the time spent incarcerated on the dismissed March 2017 charges.

PROCEDURAL HISTORY

Taylor pleaded guilty to one felony charge under a universal plea agreement that also dismissed separate March 2017 charges and resolved a July 2016 fraudulent-schemes charge through restitution. The circuit court credited him with twelve days served on the felony charge but denied credit for approximately 208 days spent incarcerated on the dismissed March 2017 charges. The circuit court denied Taylor's Rule 35 motion, and the Supreme Court of Appeals of West Virginia affirmed that order.

DISPOSITION

affirmed

CASES CITED

- State v. Head, 198 W. Va. 298, 480 S.E.2d 507 (1996)
- State v. McClain, 211 W. Va. 61, 561 S.E.2d 783 (2002)
- State ex rel. State v. Sims, 240 W. Va. 18, 807 S.E.2d 266 (2017)
- State v. Williams, No. 15-1009, 2016 WL 4611224 (W. Va. Sept. 6, 2016) (memorandum decision)
- State v. Bragg, No. 14-1248, 2015 WL 7628836 (W. Va. Nov. 23, 2015) (memorandum decision)
- State v. Rodeheaver, No. 14-0270, 2015 WL 2382921 (W. Va. May 18, 2015) (memorandum decision)
- State v. Bowers, No. 13-0408, 2014 WL 211947 (W. Va. Jan. 17, 2014) (memorandum decision)
- State v. Wears, 222 W. Va. 439, 665 S.E.2d 273 (2008)
- Martin v. Leverette, 161 W. Va. 547, 244 S.E.2d 39 (1978)
- Echard v. Holland, 177 W. Va. 138, 351 S.E.2d 51 (1986)

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