

SUPREME COURT OF APPEALS OF WEST VIRGINIA

State v. Waldron, 218 W. Va. 450

624 S.E.2d 887 (2005) · No. No. 32693 · Decided December 16, 2005

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed James Blaine Waldron's conviction and sentence for voluntary manslaughter. The court held that the trial court acted within its discretion in rejecting a misdemeanor plea agreement, admitting challenged photographs, disposing of confiscated observer notes, and giving a modified Allen charge. The opinion also addresses waiver and plain-error principles concerning objections to trial rulings and jury instructions.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Per curiam
JURISDICTION	West Virginia
DECIDED	December 16, 2005
DOCKET	No. 32693
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a circuit court sentencing order entered after a jury convicted him of voluntary manslaughter. He challenged rejection of a plea agreement, admission of photographs, destruction of an observer's notes, and the trial court's jury instructions.
STANDARD OF REVIEW	The court applied issue-specific standards. Rejection of a plea agreement was reviewed for abuse of discretion. Admission of photographs was reviewed under the Rule 403 framework and for clear abuse of discretion. Unpreserved objections to destruction of notes and the Allen charge were reviewed under waiver and plain-error principles. Criminal jury verdicts receive substantial deference.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	James Blaine Waldron v. State of West Virginia

TOPICS

- plea bargaining
- evidence
- jury instructions
- preservation of error
- appellate procedure

PRACTICE AREAS

criminal procedure

evidence

appellate procedure

jury instructions

plea bargaining

QUESTIONS PRESENTED

1. Whether the circuit court abused its discretion by refusing to accept the parties' plea agreement calling for Waldron to plead guilty to misdemeanor accessory after the fact.
2. Whether the circuit court improperly admitted allegedly gruesome and prejudicial photographs under West Virginia Rules of Evidence 401 through 403.
3. Whether destruction of confiscated notes taken by a trial observer prejudiced Waldron when he did not object or request preservation of the notes during trial.
4. Whether the circuit court's remarks and modified Allen charge improperly coerced the jury or denied Waldron a fair trial.

HOLDINGS

1. A circuit court has discretion to accept or reject a plea agreement and is not required to accept a constitutionally valid guilty plea merely because the defendant wishes to enter it. The court did not abuse that discretion by rejecting an agreement calling for a misdemeanor plea, given the seriousness of the offenses and Waldron's prior felony record.
2. The photographs were relevant and their probative value was not substantially outweighed by unfair prejudice. The trial court acted within its discretion in admitting five photographs depicting the victim, wounds, and the crime scene.
3. The destruction of the notes did not prejudice Waldron, and his failure to object or request preservation during trial waived the issue on appeal.
4. The modified Allen charge was proper, did not coerce a verdict, and did not improperly target a majority or minority faction of the jury. Because Waldron did not object, he was required to show plain error and failed to do so.

KEY QUOTATIONS

"A court's ultimate discretion in accepting or rejecting a plea agreement is whether it is consistent with the public interest in the fair administration of justice." (218 W. Va. 456)

"The admissibility of photographs over a gruesome objection must be determined on a case-by-case basis pursuant to Rules 401 through 403 of the West Virginia Rules of Evidence." (218 W. Va. 457)

"The purpose of these remarks is to point out to you the importance and desirability of reaching a verdict in this case, provided, however, that you, as individual jurors, can do so without surrendering or sacrificing your conscientious scruples or personal convictions." (218 W. Va. 460)

FACTUAL BACKGROUND

Waldron accompanied co-defendant Mose Douglas Mullins to a secluded location where Mullins shot three people, killing Chantel Webb and seriously injuring Jeffrey Mullins and Don Ball. The evidence conflicted over whether Waldron knew of the plan and acted as a lookout, or remained unaware and in the vehicle. After the shootings, Waldron helped Mullins dispose of the weapon and blood-stained clothing, and later assisted police in locating evidence and providing a statement and blood sample.

PROCEDURAL HISTORY

Waldron was indicted for murder. The State later offered an agreement under which the indictment would be dismissed and Waldron would plead guilty to misdemeanor accessory after the fact in exchange for assisting law enforcement. Two circuit judges refused to accept the agreement, and the case proceeded to trial. A jury found Waldron guilty of voluntary manslaughter; the circuit court imposed seven years of confinement and later imposed an additional five-year recidivist sentence. The Supreme Court of Appeals of West Virginia affirmed the July 23, 2004 sentencing order.

DISPOSITION

affirmed

CASES CITED

- State v. Sprigg, 103 W. Va. 404, 137 S.E. 746 (1927)
- State v. Easton, 203 W. Va. 631, 510 S.E.2d 465 (1998)
- State ex rel. Brewer v. Starcher, 195 W. Va. 185, 465 S.E.2d 185 (1995)
- State v. Guthrie, 173 W. Va. 290, 315 S.E.2d 397 (1984)
- Myers v. Frazier, 173 W. Va. 658, 319 S.E.2d 782 (1984)
- Weatherford v. Bursey, 429 U.S. 545, 97 S. Ct. 837, 51 L. Ed. 2d 30 (1977)
- United States v. Stamey, 569 F.2d 805 (4th Cir. 1978)
- United States v. Jackson, 563 F.2d 1145 (4th Cir. 1977)
- State v. Derr, 192 W. Va. 165, 451 S.E.2d 731 (1994)
- State v. Wheeler, 187 W. Va. 379, 419 S.E.2d 447 (1992)
- State v. Young, 173 W. Va. 1, 311 S.E.2d 118 (1983)
- State v. Harper, 179 W. Va. 24, 365 S.E.2d 69 (1987)
- State v. Parsons, 181 W. Va. 56, 380 S.E.2d 223 (1989)
- State v. Haddox, 166 W. Va. 630, 276 S.E.2d 788 (1981)
- United States v. Grandison, 780 F.2d 425 (4th Cir. 1985)
- State v. Salmons, 203 W. Va. 561, 509 S.E.2d 842 (1998)
- State v. LaRock, 196 W. Va. 294, 470 S.E.2d 613 (1996)
- State ex rel. Cooper v. Caperton, 196 W. Va. 208, 470 S.E.2d 162 (1996)
- United States v. Russell, 971 F.2d 1098 (4th Cir. 1992)
- State v. Clark, 175 W. Va. 58, 331 S.E.2d 496 (1985)

- State v. Blessing, 175 W. Va. 132, 331 S.E.2d 863 (1985) (per curiam)
- Levine v. Headlee, 148 W. Va. 323, 134 S.E.2d 892 (1964)
- State v. Miller, 194 W. Va. 3, 459 S.E.2d 114 (1995)
- State v. Myers, 204 W. Va. 449, 513 S.E.2d 676 (1998)
- State v. Spence, 182 W. Va. 472, 388 S.E.2d 498 (1989)
- State ex rel. Simpkins v. Harvey, 172 W. Va. 312, 305 S.E.2d 268 (1983)
- State ex rel. Hagg v. Spillers, 181 W. Va. 387, 382 S.E.2d 581 (1989)
- Allen v. United States, 164 U.S. 492, 17 S. Ct. 154, 41 L. Ed. 528 (1896)

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