

SUPREME COURT OF APPEALS OF WEST VIRGINIA

State v. Shafer

237 W. Va. 616 (2015) · Decided June 3, 2015

SUMMARY

The West Virginia Supreme Court of Appeals reviewed Timothy Shafer’s challenge to a sentence of life imprisonment without mercy for felony murder. The court held that the sentence was within statutory limits, did not violate the proportionality requirement of the West Virginia Constitution, and was not an abuse of discretion.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Justice Benjamin
JURISDICTION	West Virginia
DECIDED	June 3, 2015
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed the denial of his Rule 35 motion and challenged the circuit court’s sentence of life imprisonment without mercy for felony murder.
STANDARD OF REVIEW	Sentencing orders are reviewed under a deferential abuse-of-discretion standard unless the order violates statutory or constitutional commands. A sentence within statutory limits and not based on an impermissible factor is generally not subject to appellate review.
PRECEDENTIAL VALUE	published opinion
PARTIES	Timothy Shafer v. State of West Virginia

TOPICS

- sentencing
- cruel and unusual punishment
- constitutional law
- appellate procedure
- standard of review

PRACTICE AREAS

- criminal law
- criminal sentencing
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether Shafer's sentence of life imprisonment without mercy for felony murder violated the proportionality and cruel-and-unusual-punishment protections of Article III, § 5 of the West Virginia Constitution.
2. Whether the circuit court abused its discretion by rejecting the State's recommendation of mercy and imposing life without mercy.

HOLDINGS

1. The sentence did not violate Article III, § 5 of the West Virginia Constitution because it neither shocked the conscience nor was objectively disproportionate to the crime.
2. The circuit court did not abuse its discretion by rejecting the State's recommendation of mercy and sentencing Shafer to life without mercy.

KEY QUOTATIONS

“With the strongest conviction, we conclude that the facts surrounding Mr. Shafer’s involvement in the victim’s death warrant the sentence imposed by the circuit court.” (623)

“The circuit court’s August 25, 2014, order sentencing Mr. Shafer to life in the penitentiary without mercy for his felony murder conviction does not offend the Constitution and does not constitute an abuse of the circuit court’s discretion.” (626)

FACTUAL BACKGROUND

Shafer participated with Megan Hughes and Jessica Wilson in planning and carrying out a robbery of a sixty-six-year-old woman in her home. Shafer threatened the victim with a toy gun and watched as Wilson stabbed her nineteen times; afterward, Shafer repeatedly returned to the home to steal property, including vehicles, jewelry, medications, and checks, and took the victim's mail after learning that police had been near the residence. He pleaded guilty to felony murder and related offenses, and the circuit court sentenced him to life without mercy for felony murder based on his participation in the robbery and killing, his repeated exploitation of the victim's home, his criminal history, and his failure to address his drug addiction.

PROCEDURAL HISTORY

Shafer pleaded guilty to felony murder, conspiracy, three counts of burglary by breaking and entering, and two counts of grand larceny pursuant to a plea agreement under which the State recommended life with mercy on the felony-murder count. The circuit court imposed life without mercy for felony murder and consecutive sentences on the remaining convictions. The court denied Shafer's Rule 35 motion seeking life with mercy and concurrent sentences, and Shafer appealed.

DISPOSITION

affirmed

CASES CITED

- State v. Lucas, 201 W. Va. 271, 496 S.E.2d 221 (1997)
- State v. James, 227 W. Va. 407, 710 S.E.2d 98 (2011)
- State v. Allen, 208 W. Va. 144, 539 S.E.2d 87 (2001)
- Jordache Enters., Inc. v. Nat'l Union Fire Ins. Co. of Pittsburgh, Pa., 204 W. Va. 465, 513 S.E.2d 692 (1998)
- State v. Goodnight, 169 W. Va. 366, 287 S.E.2d 504 (1982)
- State v. Slater, 222 W. Va. 499, 665 S.E.2d 674 (2008)
- State v. Vance, 164 W. Va. 216, 262 S.E.2d 423 (1980)
- Wanstreet v. Bordenkircher, 166 W. Va. 523, 276 S.E.2d 206 (1981)
- State v. Mann, 205 W. Va. 303, 518 S.E.2d 60 (1999)
- State v. Cooper, 172 W. Va. 266, 304 S.E.2d 851 (1983)
- State v. Phillips, 199 W. Va. 507, 485 S.E.2d 676 (1997)
- State v. Tesack, 181 W. Va. 422, 383 S.E.2d 54 (1989)
- State v. Glover, 177 W. Va. 650, 355 S.E.2d 631 (1987)
- State v. Ross, 184 W. Va. 579, 402 S.E.2d 248 (1990)
- State v. Woods, 194 W. Va. 250, 460 S.E.2d 65 (1995)
- State ex rel. Leach v. Hamilton, 280 S.E.2d 62 (1980)
- State v. Williams, 172 W. Va. 295, 305 S.E.2d 251 (1983)
- State v. Sims, 162 W. Va. 212, 248 S.E.2d 834 (1978)
- Hamilton, 280 S.E.2d 62
- Hart v. Coiner, 483 F.2d 136 (4th Cir. 1973)
- Skinner v. State, 575 A.2d 1108 (Del. 1990)
- People v. Perkins, Nos. 259865, 259866, 260161, 2006 WL 1330320 (Mich. Ct. App. May 16, 2006)
- State v. Bonnett, 348 N.C. 417, 502 S.E.2d 563 (1998)
- Dutton v. State, 228 Ga. 850, 188 S.E.2d 794 (1972)