

SUPREME COURT OF APPEALS OF WEST VIRGINIA

State of West Virginia v. Lansdowne

Lansdowne · No. No. 20-1004 · Decided January 12, 2022

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed Elliott D. Lansdowne’s convictions and consecutive sentences for first-degree murder and use or presentation of a firearm during the commission of a felony. The court rejected claims concerning the length of jury deliberations during the COVID-19 pandemic, suppression of Lansdowne’s recorded police interview, denial of a trial continuance, and sufficiency of the evidence. The court issued the opinion as a memorandum decision under Rule 21 of the West Virginia Rules of Appellate Procedure.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice John A. Hutchison; Justice Elizabeth D. Walker; Justice Tim Armstead; Justice Evan H. Jenkins; Justice William R. Wooton
JURISDICTION	West Virginia
DECIDED	January 12, 2022
DOCKET	No. 20-1004
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner appealed from the Circuit Court of Jefferson County’s order denying his post-trial motion and sentencing him after convictions for first-degree murder and use or presentation of a firearm during the commission of a felony. He challenged the denial of motions to suppress and continue, the jury’s allegedly rushed deliberations, the refusal to give an involuntary-manslaughter instruction, and the denial of judgment of acquittal.
STANDARD OF REVIEW	A motion for a new trial is reviewed under a two-pronged deferential standard: the ruling concerning a new trial and the conclusion regarding reversible error are reviewed for abuse of discretion, underlying factual findings for clear error, and questions of law de novo. The voluntariness of a confession and whether the lower court applied the correct legal standard are reviewed de novo, with deference to factual findings. The denial of a motion for judgment of acquittal based on sufficiency of the evidence is reviewed de novo.

	Facts are construed in the light most favorable to the State, and sufficiency is assessed by whether any rational trier of fact could find the essential elements beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published memorandum decision; precedential status is not otherwise specified in the opinion text.
PARTIES	Elliott D. Lansdowne v. State of West Virginia

TOPICS

criminal procedure suppression of evidence miranda rights appellate procedure evidence

PRACTICE AREAS

criminal law criminal procedure appellate law evidence

QUESTIONS PRESENTED

1. Whether the short duration of the jury's deliberations, allegedly influenced by COVID-19 concerns, constituted impeachable juror misconduct warranting a new trial.
2. Whether Lansdowne's recorded statements were involuntary because police interrogation tactics, alleged promises, sentencing-related statements, or misrepresentations affected the voluntariness of his confession.
3. Whether the circuit court erred by refusing to give an involuntary-manslaughter instruction.
4. Whether the evidence was sufficient to support the convictions and whether the circuit court properly denied judgment of acquittal.

HOLDINGS

1. A challenge based solely on the length of jury deliberations is an intrinsic challenge to the verdict and may not impeach the verdict; the petitioner presented no proof of extrinsic misconduct or COVID-19 influence warranting a new trial.
2. The recorded interview was voluntary and was not the product of coercive police activity; the circuit court properly denied the motion to suppress.
3. The court declined to address the instructional-error claim because the assignment of error was inadequately briefed and lacked the required record citations and pertinent legal authority.
4. The evidence, viewed in the light most favorable to the prosecution, was sufficient for a rational jury to find the essential elements of the charged crimes beyond a reasonable doubt; the denial of judgment of acquittal was proper.

KEY QUOTATIONS

“The length of jury deliberations is necessarily indeterminate. The brief period of deliberations . . . could signify that the jury found overwhelming evidence of guilt[.]” (at 9)

“Accordingly, pursuant to these holdings, petitioner’s claim that his statements were involuntary will be reviewed de novo, and we will give deference to the trial court’s findings of fact.” (at 10)

“A criminal defendant challenging the sufficiency of the evidence to support a conviction takes on a heavy burden.” (at 13)

FACTUAL BACKGROUND

Lansdowne shot and killed Taylor Ann Pond through the closed exterior door of her apartment. He told police that he had threatened to shoot Pond, pointed a Ruger 9-millimeter pistol at her, and wanted the bullet to hit her; firearm evidence indicated that the gun would fire only if its trigger were physically pulled. At trial, Lansdowne argued that the shooting was accidental because a wreath struck his hand as the apartment door closed, but the wreath was not collected and no evidence supported that theory.

PROCEDURAL HISTORY

Lansdowne was indicted in January 2020 on first-degree murder and firearm-use charges. The circuit court denied his motion to suppress his recorded interview and his COVID-19-related motion to continue, and the jury convicted him after trial. The court denied his requested involuntary-manslaughter instruction, entered judgment of conviction, denied his motion for a new trial or judgment of acquittal, and sentenced him to consecutive terms of life without parole and ten years. The Supreme Court of Appeals of West Virginia affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Vance, 207 W. Va. 640, 535 S.E.2d 484 (2000)
- State v. Trail, 236 W. Va. 167, 778 S.E.2d 616 (2015)
- State v. Scotchel, 168 W. Va. 545, 285 S.E.2d 384 (1981)
- State v. Jenner, 236 W. Va. 406, 780 S.E.2d 762 (2015)
- State v. Farley, 192 W. Va. 247, 452 S.E.2d 50 (1994)
- State v. Bradshaw, 193 W. Va. 519, 457 S.E.2d 456 (1995)
- State v. Sugg, 193 W. Va. 388, 456 S.E.2d 469 (1995)
- State v. Persinger, 169 W. Va. 121, 286 S.E.2d 261 (1982)
- State v. Worley, 179 W. Va. 403, 369 S.E.2d 706 (1988)
- Meadows v. Mutter, 243 W. Va. 211, 842 S.E.2d 764 (2020)
- State v. LaRock, 196 W. Va. 294, 470 S.E.2d 613 (1996)
- State v. Juntilla, 227 W. Va. 492, 711 S.E.2d 562 (2011)
- State, Dep’t of Health & Human Res., Child Advocate Office v. Robert Morris N., 195 W. Va. 759, 466 S.E.2d 827 (1995)
- United States v. Dunkel, 927 F.2d 955 (7th Cir. 1991)

