

SUPREME COURT OF APPEALS OF WEST VIRGINIA

State of West Virginia v. James Thomas M.

No. 21-0550 · No. No. 21-0550 · Decided October 17, 2022

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed James Thomas M.'s convictions for two counts of first-degree sexual abuse and one count of sexual abuse by a parent. The court rejected challenges to the sufficiency of the evidence, admission of his recorded confession, and denial of his motion to dismiss under West Virginia's three-term rule. The court issued the decision as a per curiam memorandum decision.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Per Curiam; Chief Justice John A. Hutchison; Justice Elizabeth D. Walker; Justice Tim Armstead; Justice William R. Wooton; Justice C. Haley Bunn
JURISDICTION	West Virginia
DECIDED	October 17, 2022
DOCKET	No. 21-0550
DISPOSITION	affirmed
PROCEDURAL POSTURE	James Thomas M. appealed the Circuit Court of Randolph County's sentencing order following a jury trial and convictions for two counts of first-degree sexual abuse and one count of sexual abuse by a parent.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed by examining all evidence in the light most favorable to the prosecution and determining whether any rational trier of fact could have found the essential elements beyond a reasonable doubt, with deference to the jury's credibility determinations and inferences. The admissibility of a confession is reviewed for abuse of discretion; factual findings concerning voluntariness receive deferential review, while the ultimate voluntariness question and the applicable legal standard receive plenary, independent, and de novo review. A motion to dismiss an indictment is generally reviewed de novo, with clear-error review of factual findings made after an evidentiary hearing.

PRECEDENTIAL VALUE	Published memorandum decision
PARTIES	James Thomas M. v. State of West Virginia

TOPICS

criminal procedure suppression of evidence speedy trial evidence appellate procedure

PRACTICE AREAS

criminal law criminal procedure appellate litigation evidence

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support petitioner's convictions for two counts of first-degree sexual abuse and one count of sexual abuse by a parent.
2. Whether the circuit court erred in denying petitioner's motion to suppress his recorded statement on the ground that it was not knowing, voluntary, and intelligent.
3. Whether three terms of court passed without trial in violation of West Virginia Code section 62-3-21, requiring dismissal of the prosecution.

HOLDINGS

1. The evidence, viewed in the light most favorable to the prosecution, was sufficient for a rational trier of fact to find petitioner guilty beyond a reasonable doubt; the convictions therefore were not disturbed.
2. The circuit court did not abuse its discretion in admitting petitioner's recorded statement because, under the totality of the circumstances, law enforcement did not overbear his will and the statement was voluntary.
3. Petitioner's motion to dismiss was properly denied because the delay during the 2019 terms resulted from petitioner's own actions and therefore did not count against the State under the three-term rule; pandemic-emergency terms also were not regular terms for purposes of the rule.

KEY QUOTATIONS

"The evidence need not be inconsistent with every conclusion save that of guilt so long as the jury can find guilt beyond a reasonable doubt."

"Credibility determinations are for a jury and not an appellate court."

FACTUAL BACKGROUND

Petitioner was convicted based on evidence that included his recorded confession and testimony from three additional witnesses. He challenged the confession as involuntary, but the record showed no promises, psychological ploys, coercive tactics, or misstatements by law enforcement; the officer clarified petitioner's statements and allowed him to describe his version of events. The delay implicated by the three-term rule occurred while petitioner sought additional time to supplement a motion for a bill of particulars involving

double-jeopardy concerns and then failed to comply with the court's order, while later pandemic-related delays occurred during a judicial emergency.

PROCEDURAL HISTORY

A jury convicted petitioner of three sexual-abuse offenses. The circuit court entered a sentencing order on June 11, 2021, denied petitioner's motion to suppress a recorded confession, and denied his motion to dismiss under West Virginia's three-term rule. The Supreme Court of Appeals of West Virginia affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. LaRock, 196 W. Va. 294, 303, 470 S.E.2d 613, 622 (1996)
- State v. Thompson, 240 W. Va. 406, 414, 813 S.E.2d 59, 67 (2018)
- State v. Guthrie, 194 W. Va. 657, 461 S.E.2d 163 (1995)
- State v. Campbell, 246 W. Va. 230, 868 S.E.2d 444 (2022)
- State v. Vance, 162 W. Va. 467, 250 S.E.2d 146 (1978)
- 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. Grimes, 226 W. Va. 411, 701 S.E.2d 449 (2010)
- State v. Holden, 243 W. Va. 275, 843 S.E.2d 527 (2020)
- State ex rel. Spadafore v. Fox, 155 W. Va. 674, 186 S.E.2d 833 (1972)
- State ex rel. Porter v. Farrell, 245 W. Va. 272, 858 S.E.2d 897 (2021)
- State v. Combs, W. Va., 875 S.E.2d 139 (2022)

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