

SUPREME COURT OF APPEALS OF WEST VIRGINIA

State of West Virginia v. Antonio C. Williams

Williams · No. 19-0602 · Decided June 18, 2020

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed the disqualification of the defendant's retained counsel because the attorney simultaneously represented the defendant and a potential prosecution witness who was offered a cooperation-based plea agreement. The court held that an actual or significant potential conflict of interest overcame the defendant's choice-of-counsel preference and that waivers did not cure the conflict. The court also rejected the claim that the State manufactured the conflict in bad faith.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice Tim Armstead; Justice Margaret L. Workman; Justice Elizabeth D. Walker; Justice Evan H. Jenkins; Justice John A. Hutchison
JURISDICTION	West Virginia
DECIDED	June 18, 2020
DOCKET	19-0602
DISPOSITION	affirmed
PROCEDURAL POSTURE	Williams appealed after the Circuit Court of Kanawha County disqualified his retained counsel, Mark Plants, based on an actual and potential conflict arising from Plants's simultaneous representation of Williams and State witness and codefendant in an unrelated matter, Tequan Pratt.
STANDARD OF REVIEW	The Court considered whether the circuit court abused its discretion in disqualifying defense counsel and reviewed the court's conflict-of-interest determination under the principles governing disqualification of counsel of choice.
PRECEDENTIAL VALUE	nonprecedential memorandum decision
PARTIES	Antonio C. Williams v. State of West Virginia

TOPICS

right to counsel

criminal procedure

sixth amendment

appellate procedure

standard of review

PRACTICE AREAS

criminal procedure

constitutional law

legal ethics

appellate procedure

QUESTIONS PRESENTED

1. Whether the circuit court properly disqualified Williams's retained counsel because simultaneous representation of Williams and potential State witness Tequan Pratt created an actual conflict or a significant potential for a serious conflict of interest.
2. Whether the circuit court's failure to expressly address Williams's allegation that the State manufactured the conflict in bad faith required reversal.

HOLDINGS

1. The circuit court properly disqualified Williams's retained counsel because Plants's simultaneous representation of Williams and Pratt, a potential State witness who had information relevant to the prosecution and was offered a cooperation-based plea agreement, created an actual conflict and a significant potential for a serious conflict of interest that overcame Williams's presumption in favor of counsel of choice.
2. The State did not manufacture a conflict of interest in bad faith, and the circuit court's failure to separately discuss that allegation in its written order did not warrant reversal because the issue was argued at the hearing and the record showed that the relevant facts were considered.

KEY QUOTATIONS

"Where the State moves for disqualification of a criminal defendant's counsel of choice due to counsel's former representation of a State witness, the State bears a heavy burden of proving disqualification is necessary and justified." (at 4)

"A presumption in favor of a defendant's choice of counsel exists. However, this presumption may be overcome where the State demonstrates that an actual conflict of interest exists or that there exists a significant potential for a serious conflict of interest." (at 4)

FACTUAL BACKGROUND

Williams allegedly shot through a kitchen window at a Charleston residence, killing Shannon Cade and wounding C.K. Williams used his half-brother Tequan Pratt's vehicle to travel to the scene and later to Morgantown, and Pratt was present when Williams was arrested and gave a statement to police. Attorney Mark Plants represented Williams in the murder case and later represented Pratt in an unrelated felony case; after the State sought Pratt's cooperation against Williams in exchange for a plea offer, the circuit court found that the dual representation created actual and potential conflicts.

PROCEDURAL HISTORY

A Kanawha County grand jury indicted Williams on first-degree murder, malicious wounding, and wanton endangerment with a firearm charges. After Plants entered an appearance for Williams, he also began representing Pratt, a potential State witness, and the circuit court disqualified Plants following the State's plea offer to Pratt conditioned on cooperation against Williams. Williams was later tried with appointed counsel, convicted on all counts, sentenced consecutively, and appealed the disqualification order. The Supreme Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State ex rel. Blake v. Hatcher, 218 W. Va. 407, 624 S.E.2d 844 (2005)
- State ex rel. June Yurish v. Faircloth, No. 19-1160, 2020 WL 2820382 (W. Va. May 28, 2020)

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