

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Thomas A. Grantham, Jr. v. J.T. Binion, Superintendent

No. 18-0651 (W. Va. Dec. 20, 2019) (memorandum decision) · No. No. 18-0651 · Decided December 20, 2019

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed the denial of Thomas A. Grantham, Jr.'s second petition for a writ of habeas corpus. The court held that the claims were fully and finally adjudicated or waived in prior proceedings and that res judicata barred the successive petition.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Per Curiam; Chief Justice Elizabeth D. Walker; Justice Margaret L. Workman; Justice Tim Armstead; Justice Evan H. Jenkins; Justice John A. Hutchison
JURISDICTION	West Virginia
DECIDED	December 20, 2019
DOCKET	No. 18-0651
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner appealed the Circuit Court of Berkeley County's denial of his second petition for a writ of habeas corpus.
STANDARD OF REVIEW	In a habeas corpus action, the final order and ultimate disposition are reviewed for abuse of discretion, underlying factual findings for clear error, and questions of law de novo.
PRECEDENTIAL VALUE	Memorandum decision; precedential status is not expressly stated in the opinion text.
PARTIES	Thomas A. Grantham, Jr. v. J.T. Binion, Superintendent, Huttonsville Correctional Center

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether res judicata and the successive-petition doctrine barred Grantham's second state habeas petition because the claims had been fully and finally adjudicated or waived in his direct appeal and first habeas proceeding.
2. Whether Grantham's ineffective-assistance claim remained adjudicated because the circuit court did not hold an evidentiary hearing on that claim in the first habeas proceeding.

HOLDINGS

1. The doctrine of res judicata barred Grantham's second habeas petition because the claims raised in it had been fully and finally adjudicated and/or waived in his direct criminal appeal or first habeas proceeding.
2. The ineffective-assistance claim was previously and finally adjudicated in Grantham II even though the circuit court did not hold an evidentiary hearing on that claim.

KEY QUOTATIONS

“A judgment denying relief in post-conviction habeas corpus is res judicata on questions of fact or law which have been fully and finally litigated and decided, and as to issues which with reasonable diligence should have been known but were not raised[.]” (at 3)

“Therefore, we find that the ineffective assistance claim was previously and finally adjudicated in Grantham II and conclude that the circuit court did not abuse its discretion in denying petitioner’s second petition as a successive petition.” (at 4)

FACTUAL BACKGROUND

On April 23, 2011, Thomas A. Grantham, Jr. and James Cross argued with Jacques Taylor and Andre Jackson in a bar and followed them to a gas station. Grantham stabbed Taylor while Cross stabbed Jackson as the victims sat in their car; Jackson died and Taylor survived. Grantham was convicted of second-degree murder, attempted murder, and malicious assault, and received consecutive sentences totaling forty-three to fifty-three years.

PROCEDURAL HISTORY

Grantham was convicted of second-degree murder, attempted murder, and malicious assault and received consecutive sentences totaling forty-three to fifty-three years. His direct appeal was affirmed. His first habeas proceeding addressed several claims, including ineffective assistance of counsel and alleged juror bias; the denial of habeas relief was affirmed in Grantham II. Grantham then filed a second habeas petition, asserting that the claims from the first proceeding had not been fully and finally adjudicated because only the juror-connection issue received an evidentiary hearing. The circuit court denied the second petition as barred by res judicata and the successive-petition doctrine, and the Supreme Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Grantham, No. 12-1293, 2013 WL 6152080 (W. Va. Nov. 22, 2013) (memorandum decision)
- Losh v. McKenzie, 166 W. Va. 762, 277 S.E.2d 606 (1981)
- State v. Trail, 236 W. Va. 167, 778 S.E.2d 616 (2015)
- Grantham v. Ballard, No. 16-0452, 2017 WL 944057 (W. Va. Mar. 10, 2017) (memorandum decision)
- Anstey v. Ballard, 237 W. Va. 411, 787 S.E.2d 864 (2016)
- Mathena v. Haines, 219 W. Va. 417, 633 S.E.2d 771 (2006)
- Perdue v. Coiner, 156 W. Va. 467, 194 S.E.2d 657 (1973)
- In re: T.O., 238 W. Va. 455, 796 S.E.2d 564 (2017)
- State v. McKinley, 234 W. Va. 143, 764 S.E.2d 303 (2014)

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