

SUPREME COURT OF APPEALS OF WEST VIRGINIA

State v. Biehl, 224 W. Va. 584

687 S.E.2d 367 (2009) · No. No. 34701 · Decided November 23, 2009

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed Charles M. Biehl's conviction for first-degree murder and sentence of life imprisonment without parole. The court held that the evidence was sufficient, that evidence of Biehl striking the victim was intrinsic res gestae evidence rather than evidence subject to Rule 404(b), and that the trial court properly refused instructions on battery, unlawful assault, and malicious assault.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Per Curiam
JURISDICTION	West Virginia
DECIDED	November 23, 2009
DOCKET	No. 34701
DISPOSITION	affirmed
PROCEDURAL POSTURE	Biehl appealed his conviction for first-degree murder and sentence of life imprisonment without the possibility of parole, challenging the sufficiency of the evidence, admission of evidence that he struck the victim, and refusal to give requested lesser-included-offense instructions.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed by examining the trial evidence in the light most favorable to the prosecution and asking whether any rational trier of fact could find the essential elements beyond a reasonable doubt. Evidentiary admissibility is reviewed for abuse of discretion. Refusal to give a requested jury instruction is generally reviewed for abuse of discretion, while whether the jury was properly instructed is reviewed de novo. The instructions are considered as a whole, and the trial court has broad discretion so long as the charge accurately states the law and is supported by the evidence.

PRECEDENTIAL VALUE	Published opinion; precedential decision of the Supreme Court of Appeals of West Virginia.
PARTIES	Charles M. Biehl v. State of West Virginia

TOPICS

criminal procedure evidence appellate procedure jury instructions lesser included offense instructions

PRACTICE AREAS

criminal law criminal procedure evidence appellate practice

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to sustain Biehl's first-degree murder conviction.
2. Whether the trial court erred by admitting evidence that Biehl struck Farren in the nose without conducting a Rule 404(b) hearing.
3. Whether the trial court erred by refusing to instruct the jury on battery, unlawful assault, and malicious assault as lesser-included offenses.

HOLDINGS

1. The evidence, viewed in the light most favorable to the prosecution, was sufficient for a rational jury to find Biehl guilty of first-degree murder beyond a reasonable doubt.
2. The trial court did not err in admitting evidence that Biehl punched Farren in the nose because the evidence was intrinsic, res gestae evidence of the charged murder rather than extrinsic Rule 404(b) evidence.
3. Biehl was not entitled to jury instructions on battery, unlawful assault, or malicious assault because the indictment charged murder using statutory language and the evidence did not create a dispute concerning the elements distinguishing those offenses from the greater offense.

KEY QUOTATIONS

“The function of an appellate court when reviewing the sufficiency of the evidence to support a criminal conviction is to examine the evidence admitted at trial to determine whether such evidence, if believed, is sufficient to convince a reasonable person of the defendant's guilt beyond a reasonable doubt. Thus, the relevant inquiry is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime proved beyond a reasonable doubt.”
(687 S.E.2d at 370-371)

“The weight of circumstantial evidence, as in the case of direct evidence, is a question for jury determination, and whether such evidence excludes, to a moral certainty, every reasonable hypothesis, other than that of guilt, is a question for the jury.” (687 S.E.2d at 372)

“Events, declarations and circumstances which are near in time, causally connected with, and illustrative of transactions being investigated are generally considered res gestae and admissible at trial.” (687 S.E.2d at 372-373)

FACTUAL BACKGROUND

Sharron I. Farren was murdered in her home by beating and strangulation. Biehl had been staying at Farren's residence, was seen there on the day of the murder, and was later seen leaving the area and seeking directions while apparently planning to hitchhike to Florida. After being advised of his Miranda rights, Biehl gave inconsistent statements about whether he had been at the residence and ultimately admitted hitting Farren in the nose; Farren was found with a broken and bloodied nose and had died from strangulation. DNA from the telephone cord included Farren's DNA and that of an unknown person, but not Biehl's DNA.

PROCEDURAL HISTORY

A jury found Biehl guilty of first-degree murder on January 17, 2008, and made no recommendation of mercy. The Circuit Court of Jackson County sentenced him on February 20, 2008, to life imprisonment without the possibility of parole. The Supreme Court of Appeals of West Virginia affirmed the conviction and sentence.

DISPOSITION

affirmed

CASES CITED

- State v. Sprigg, 103 W. Va. 404, 137 S.E. 746 (1927)
- State v. Guthrie, 194 W. Va. 657, 461 S.E.2d 163 (1995)
- State v. Bailey, 151 W. Va. 796, 155 S.E.2d 850 (1967)
- State v. Peyatt, 173 W. Va. 317, 315 S.E.2d 574 (1984)
- State v. McGinnis, 193 W. Va. 147, 455 S.E.2d 516 (1994)
- State v. Ferguson, 165 W. Va. 529, 270 S.E.2d 166 (1980)
- State v. Kopa, 173 W. Va. 43, 311 S.E.2d 412 (1983)
- State v. Dennis, 216 W. Va. 331, 607 S.E.2d 437 (2004)
- United States v. Williams, 900 F.2d 823 (5th Cir. 1990)
- State v. Spicer, 162 W. Va. 127, 245 S.E.2d 922 (1978)
- State v. Hinkle, 200 W. Va. 280, 489 S.E.2d 257 (1996)
- State v. Lutz, 85 W. Va. 330, 101 S.E. 434 (1919)
- State v. Neider, 170 W. Va. 662, 295 S.E.2d 902 (1982)
- State v. Neal, 179 W. Va. 705, 371 S.E.2d 633 (1988)
- Watson v. State, 99 W. Va. 34, 127 S.E. 637 (1925)
- Holland v. Coiner, 293 F. Supp. 203 (N.D. W. Va. 1968)

