

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Michael Davis v. Marvin Plumley, Warden

No. 14-0404 (Mineral County 13-C-38) (W. Va. Sept. 19, 2014) · No. No. 14-0404 (Mineral County 13-C-38) ·
Decided September 19, 2014

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed the dismissal of Michael Davis’s habeas corpus petition challenging his conviction for death of a child by a custodian by child abuse. The court held that the circuit court made sufficiently specific findings addressing Davis’s ineffective-assistance claims and did not abuse its discretion in denying relief.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Robin Jean Davis; Brent D. Benjamin; Margaret L. Workman; Menis E. Ketchum; Allen H. Loughry II
JURISDICTION	West Virginia
DECIDED	September 19, 2014
DOCKET	No. 14-0404 (Mineral County 13-C-38)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner appealed the Circuit Court of Mineral County's order dismissing his petition for a writ of habeas corpus alleging ineffective assistance of counsel.
STANDARD OF REVIEW	In a habeas corpus action, the final order and ultimate disposition are reviewed for abuse of discretion, underlying factual findings are reviewed for clear error, and questions of law are reviewed de novo.
PRECEDENTIAL VALUE	published
PARTIES	Michael Davis v. Marvin Plumley, Warden, Huttonsville Correctional Center

TOPICS

- state post-conviction relief
- habeas corpus
- ineffective assistance
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the circuit court made sufficiently specific findings of fact and conclusions of law to dismiss Davis's habeas petition alleging ineffective assistance of counsel without a hearing.
2. Whether the circuit court abused its discretion by dismissing the habeas petition when the judge who dismissed it allegedly was not the judge who presided over the trial.
3. Whether the circuit court's findings were inadequate because they were not supported by proper citations to the record.

HOLDINGS

1. A circuit court may summarily dismiss an ineffective-assistance habeas petition without a hearing when its findings and conclusions are sufficiently specific to demonstrate that the claims fail under the applicable Strickland/Miller standard.
2. The circuit court's findings were satisfactory because they specifically explained why each of Davis's four ineffective-assistance claims lacked merit and why any alleged errors did not cause prejudice.
3. The asserted fact that a different judge may have dismissed the habeas petition than the judge who presided at trial did not warrant reversal.

KEY QUOTATIONS

“specific findings of fact and conclusions of law relating to each contention advanced by the petitioner, and to state the grounds upon which the matter was determined.” (at 2)

“Accordingly, we conclude that the circuit court made satisfactory findings, and that the court did not abuse its discretion in denying petitioner’s request for habeas relief and dismissing his habeas petition.” (at 3)

FACTUAL BACKGROUND

Davis was the only adult present when his then-girlfriend's twenty-two-month-old child sustained fatal injuries. Medical examiner Dr. James Kaplan testified that the child died from an assault involving violent acceleration and deceleration of the brain and ruled out accidental, self-inflicted, or child-inflicted injuries. Davis was convicted and sentenced to forty years, and later alleged that trial counsel was ineffective for failing to present certain witnesses, pursue a plea agreement, properly conduct jury selection, and introduce psychiatric information.

PROCEDURAL HISTORY

Davis was convicted by a jury in 2003 of death of a child by a custodian by child abuse and was sentenced to forty years in prison. His direct appeal was refused in 2004. In April 2013, he filed a state habeas petition asserting four ineffective-assistance claims. The Circuit Court of Mineral County dismissed the petition without a hearing on December 3, 2013, and the Supreme Court of Appeals of West Virginia affirmed.

DISPOSITION

affirmed

CASES CITED

- Mathena v. Haines, 219 W. Va. 417, 633 S.E.2d 771 (2006)
- State ex rel. Watson v. Hill, 200 W. Va. 201, 488 S.E.2d 476 (1997)
- Strickland v. Washington, 466 U.S. 668 (1984)
- State v. Miller, 194 W. Va. 3, 459 S.E.2d 114 (1995)

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