

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Edward Jesse Dreyfuse, In re Application to Present Complaint to the Grand Jury

Dreyfuse · No. 18-0271 · Decided April 3, 2020

SUMMARY

The Supreme Court of Appeals of West Virginia held that a private citizen's constitutional right to present a complaint to a grand jury is subject to reasonable limitations designed to prevent abuse of the judicial process. A circuit court may deny such an application only upon a showing that the applicant's conduct demonstrates a clear intention to obstruct the administration of justice, and the denial order must contain findings and conclusions sufficient for meaningful appellate review. The court reversed and remanded because the circuit court's conclusory denial lacked such findings and conclusions.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice Armstead
JURISDICTION	West Virginia
DECIDED	April 3, 2020
DOCKET	18-0271
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Edward Jesse Dreyfuse appealed the Cabell County Circuit Court's denial of his application to present a complaint seeking indictments against a former prosecutor and police officer to the grand jury.
STANDARD OF REVIEW	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	Published opinion with syllabus points announcing binding West Virginia law.
PARTIES	Edward Jesse Dreyfuse v. State of West Virginia

TOPICS

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PRACTICE AREAS

criminal procedure

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QUESTIONS PRESENTED

1. Whether a private citizen's constitutional right to present a complaint to the grand jury is subject to reasonable limitations to prevent abuse of the judicial process.
2. Whether a circuit court may deny a private citizen's application to present a complaint to the grand jury without findings of fact and conclusions of law.
3. What procedure a circuit court must follow when a private citizen applies to present a complaint to the grand jury.

HOLDINGS

1. A private citizen's right under article III, section 17 of the West Virginia Constitution to present a complaint to the grand jury upon application to the circuit court is subject to reasonable limitations designed to protect the judicial system from abuse.
2. A circuit court may not deny a private citizen's application to present a complaint to the grand jury without a showing that the citizen's conduct demonstrates a clear intention to obstruct the administration of justice, and the denial order must contain findings of fact and conclusions of law adequate for meaningful appellate review.
3. A private citizen must first apply to the circuit court. The court must provide the application to the prosecuting attorney, who may initiate grand-jury proceedings or decline to do so. If the prosecutor declines or fails to act within a reasonable time, the citizen may seek circuit-court review, and the court must conduct an in-camera hearing allowing the citizen and prosecutor to address the application.

KEY QUOTATIONS

“a circuit court may not deny a private citizen’s application to present a complaint to the grand jury without a showing that the private citizen’s conduct demonstrates a clear intention to obstruct the administration of justice.” (at 13)

“when a private citizen seeks to present a complaint to the grand jury, he must first apply to the circuit court.” (at 19-20)

FACTUAL BACKGROUND

Dreyfuss was convicted of first-degree murder and burglary after evidence showed that he attacked an elderly, disabled victim with a baseball bat, causing fatal injuries. He later alleged that a police officer gave false testimony during the grand-jury proceedings about the victim's injuries and that the prosecutor suborned that perjury. Dreyfuss sought to present a complaint to the grand jury seeking indictments against the former prosecutor and police officer, but the circuit court denied the application without explaining its reasons.

PROCEDURAL HISTORY

Dreyfuse was convicted of first-degree murder and burglary in 2013 and did not pursue a perfected direct appeal. In 2017, he filed a private-citizen application to present a grand-jury complaint alleging perjury and subornation of perjury during the grand-jury proceedings leading to his indictments. The circuit court denied the application in orders dated March 7 and March 29, 2018, without findings of fact or conclusions of law. The Supreme Court of Appeals reversed and remanded with directions.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The circuit court must provide a copy of Dreyfuse's proposed complaint to the prosecuting attorney for evaluation. If the prosecutor declines to initiate grand-jury proceedings, Dreyfuse may seek review in the circuit court under the procedures announced in the opinion, including an in-camera hearing if appropriate.

CASES CITED

- Walker v. W. Va. Ethics Comm'n, 201 W. Va. 108, 492 S.E.2d 167 (1997)
- State ex rel. Miller v. Smith, 168 W. Va. 745, 285 S.E.2d 500 (1981)
- Blair v. Maynard, 174 W. Va. 247, 324 S.E.2d 391 (1984)
- Mathena v. Haines, 219 W. Va. 417, 633 S.E.2d 771 (2006)
- State ex rel. Hamstead v. Dostert, 173 W. Va. 133, 313 S.E.2d 409 (1984)
- Harman v. Frye, 188 W. Va. 611, 425 S.E.2d 566 (1992)
- State ex rel. R.L. v. Bedell, 192 W. Va. 435, 452 S.E.2d 893 (1994)
- Committee on Legal Ethics of the W. Va. State Bar v. Sheatsley, 192 W. Va. 272, 452 S.E.2d 75 (1994)
- State ex rel. James v. Hun, 201 W. Va. 139, 494 S.E.2d 503 (1997)
- Mark V.H. v. Dolores J.M., No. 18-0230, 2019 WL 4257183, at *13 (W. Va. Sept. 9, 2019)
- Nelson v. W. Va. Pub. Emp. Ins. Bd., 171 W. Va. 445, 300 S.E.2d 86 (1982)
- State ex rel. Casey v. Wood, 156 W. Va. 329, 193 S.E.2d 143 (1972)
- Branzburg v. Hayes, 408 U.S. 665, 92 S. Ct. 2646, 33 L. Ed. 2d 626 (1972)
- United States v. United States District Court, 238 F.2d 713 (4th Cir. 1956)
- In re Grand Jury Proceedings, Harrisburg, 450 F.2d 199 (3d Cir. 1971)
- Gelbard v. United States, 408 U.S. 41, 92 S. Ct. 2357, 33 L. Ed. 2d 179 (1972)
- United States v. Smyth, 104 F. Supp. 283 (D. Conn. 1952)
- State ex rel. Martin v. Michell, 188 So. 2d 684 (Fla. Dist. Ct. App. 1966)
- Siklek v. Commonwealth, 133 Va. 789, 112 S.E. 605 (1922)
- Krippendorf v. Hyde, 110 U.S. 276, 4 S. Ct. 27, 28 L. Ed. 145 (1884)
- Preiser v. MacQueen, 177 W. Va. 273, 352 S.E.2d 22 (1985)
- Daily Gazette Co., Inc. v. Canady, 175 W. Va. 249, 332 S.E.2d 262 (1985)

- Hunter v. Beckley Newspapers Corp., 129 W. Va. 302, 40 S.E.2d 332 (1946)
- Nestor v. Bruce Hardwood Flooring, L.P., 206 W. Va. 453, 525 S.E.2d 334 (1999)
- In re Timber M., 231 W. Va. 44, 743 S.E.2d 352 (2013)
- Hinchman v. Gillette, 217 W. Va. 378, 618 S.E.2d 387 (2005)
- State ex rel. Skinner v. Dostert, 166 W. Va. 750, 278 S.E.2d 624 (1981)

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