

SUPREME COURT OF APPEALS OF WEST VIRGINIA

State of West Virginia v. Ronnie Junior Landis

No. 16-0010 (Upshur County 14-F-92) · No. No. 16-0010 (Upshur County 14-F-92) · Decided September 1, 2017

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed Ronnie Junior Landis's convictions and aggregate sentence arising from a fatal vehicle accident. The court rejected challenges based on double jeopardy, excessive sentencing, credit for time served, sufficiency of the evidence, severance of the revoked-license charge, and cumulative trial error. The decision was issued as a memorandum decision under Rule 21 of the West Virginia Rules of Appellate Procedure.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice Allen H. Loughry II; Justice Robin Jean Davis; Justice Margaret L. Workman; Justice Menis E. Ketchum; Justice Elizabeth D. Walker
JURISDICTION	West Virginia
DECIDED	September 1, 2017
DOCKET	No. 16-0010 (Upshur County 14-F-92)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Following a jury conviction in the Circuit Court of Upshur County, Ronnie Junior Landis appealed the amended sentencing order and raised six assignments of error concerning double jeopardy, sentencing, credit for time served and good time, sufficiency of the evidence, severance, and cumulative trial error.
STANDARD OF REVIEW	The court applied a two-pronged deferential standard: abuse of discretion for rulings concerning a new trial and the existence of reversible error, clearly erroneous review for underlying factual findings, and de novo review for questions of law. The double-jeopardy claim was reviewed de novo. Severance under West Virginia Rule of Criminal Procedure 14(a) was reviewed for abuse of discretion. Sufficiency of the evidence was reviewed by asking whether, viewing the evidence in the light most favorable to the

	prosecution, any rational trier of fact could find the essential elements beyond a reasonable doubt.
PRECEDENTIAL VALUE	nonprecedential memorandum decision
PARTIES	Ronnie Junior Landis v. State of West Virginia

TOPICS

criminal procedure

double jeopardy

sentencing

appellate procedure

evidence

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether convictions and sentences for DUI causing death and negligent homicide violated double-jeopardy principles.
2. Whether Landis's aggregate sentence was excessive under statutory and constitutional proportionality principles.
3. Whether the circuit court improperly calculated credit for time served or denied credit for good time.
4. Whether the evidence was sufficient to prove that Landis was driving and that Currence died as a result of the accident.
5. Whether the circuit court abused its discretion by denying a separate trial on the charge of driving with a license revoked for DUI.
6. Whether cumulative trial errors denied Landis a fair trial.

HOLDINGS

1. Convictions and sentences for DUI causing death and negligent homicide did not violate double-jeopardy principles because the offenses contain different elements of proof.
2. The aggregate sentence of two to eight years was not excessive under the circumstances.
3. The circuit court properly credited Landis's time served and Landis was not entitled to additional good-time credit on the discharged concurrent misdemeanor sentence.
4. The evidence was sufficient to sustain Landis's convictions because, viewed in the light most favorable to the prosecution, a rational juror could find that Landis was driving and that Currence was the passenger who died in the accident.
5. The circuit court did not abuse its discretion by denying severance and ordering a unitary trial on the license-revocation charge and the other charges.
6. The cumulative-error doctrine did not warrant relief because the record did not show numerous errors whose combined effect deprived Landis of a fair trial.

KEY QUOTATIONS

“The strength of a double jeopardy claim is whether a defendant is facing multiple punishment for the same course of conduct.” (3)

“The elements are plainly different; the two statutes prescribe punishments for different actions.” (4)

“The evidence need not be inconsistent with every conclusion save that of guilt so long as the jury can find guilt beyond a reasonable doubt.” (6)

“Where the record of a criminal trial shows that the cumulative effect of numerous errors committed during the trial prevented the defendant from receiving a fair trial, his conviction should be set aside, even though any one of such errors standing alone would be harmless error.” (7)

FACTUAL BACKGROUND

On October 5, 2013, Landis was driving a truck on State Route 151 in Upshur County with Nicole Currence in the passenger seat when he over-corrected on a sharp turn, left the roadway, and struck a tree. Currence died in the crash, and the passenger side and roof of the truck sustained extensive damage. Witnesses and responding officers observed Landis away from the crash, staggering, smelling of alcohol, exhibiting bloodshot and glassy eyes, and speaking with slurred speech; Landis also admitted that he had been drinking all day. Physical evidence and testimony indicated that Currence had been in the passenger seat and that Landis was the driver.

PROCEDURAL HISTORY

A jury convicted Landis of DUI causing death, negligent homicide, leaving the scene of an accident involving death or personal injury, and third-offense driving while license revoked for DUI. The circuit court imposed an aggregate sentence of two to eight years of incarceration, a \$3,500 fine, and \$500 in costs, after credit for time served, and later entered an amended sentencing order on November 29, 2015. The Supreme Court of Appeals of West Virginia affirmed the circuit court's order by memorandum decision under Rule 21.

DISPOSITION

affirmed

CASES CITED

- State v. Vance, 207 W. Va. 640, 535 S.E.2d 484 (2000)
- State v. Sears, 196 W. Va. 71, 468 S.E.2d 324 (1996)
- Blockburger v. United States, 284 U.S. 299, 52 S.Ct. 180, 76 L.Ed. 306 (1932)
- State v. Goodnight, 169 W. Va. 366, 287 S.E.2d 504 (1982)
- State v. Vance, 164 W. Va. 216, 262 S.E.2d 423 (1980)
- State v. Guthrie, 194 W. Va. 657, 461 S.E.2d 163 (1995)
- State v. Rash, 226 W. Va. 35, 697 S.E.2d 71 (2010)
- State v. Smith, 156 W. Va. 385, 193 S.E.2d 550 (1972)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/west-virginia-supreme-court-of-appeals-of-west-virginia/2017/state-of-west-virginia-v-ronnie-junior-landis-mu9purlc>