

SUPREME COURT OF APPEALS OF WEST VIRGINIA

State v. Adams, 211 W. Va. 231

565 S.E.2d 353 (2002) · No. No. 29960 · Decided July 2, 2002

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed Ronald L. Adams’s 90-year sentence for aggravated robbery. The court held that the sentence was not unconstitutionally disproportionate, considering the seriousness and potential violence of aggravated robbery, Adams’s extensive prior felony record, the plea agreement, and comparable sentences. Justice Starcher filed a concurring opinion expressing that the sentence seemed lengthy but declining to second-guess the trial court.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
JURISDICTION	West Virginia
DECIDED	July 2, 2002
DOCKET	No. 29960
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed the denial of his Rule 35(b) motion seeking reduction of a 90-year sentence imposed after his guilty plea to aggravated robbery.
STANDARD OF REVIEW	Sentencing orders are reviewed under a deferential abuse-of-discretion standard unless they violate statutory or constitutional commands. Review of a Rule 35 motion is for abuse of discretion, underlying facts are reviewed for clear error, and questions of law and statutory or rule interpretation are reviewed de novo.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Ronald L. Adams v. State of West Virginia

TOPICS

- sentencing
- cruel and unusual punishment
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- Criminal law
- Criminal procedure
- Sentencing
- Constitutional law

QUESTIONS PRESENTED

1. Whether Adams's 90-year sentence for aggravated robbery was unconstitutionally disproportionate to the offense.
2. Whether the circuit court abused its discretion in denying Adams's Rule 35(b) motion to reduce the sentence.

HOLDINGS

1. The 90-year sentence was not disproportionate under the subjective and objective proportionality tests applied to West Virginia constitutional challenges.
2. The circuit court did not abuse its discretion by denying Adams's Rule 35(b) motion for sentence reduction.

KEY QUOTATIONS

“In determining whether a given sentence violates the proportionality principle found in Article III, Section 5 of the West Virginia Constitution, consideration is given to the nature of the offense, the legislative purpose behind the punishment, a comparison of the punishment with what would be inflicted in other jurisdictions, and a comparison with other offenses within the same jurisdiction.” (356-357)

“It is the totality of the circumstances that control our proportionality analysis.” (357)

FACTUAL BACKGROUND

On October 13, 1999, Adams and an accomplice robbed a convenience store in Winfield, West Virginia, taking \$151.85. No weapon was used, but Adams grabbed and physically assaulted a store clerk. Adams had five prior felony convictions, including grand larceny, two unlawful-wounding convictions, firearm possession, and drug possession, and the plea agreement also resolved exposure arising from another aggravated robbery.

PROCEDURAL HISTORY

A Putnam County grand jury indicted Adams and an accomplice on two counts. Adams pleaded guilty to one aggravated-robbery count under an agreement in which the State dismissed the other count, waived a recidivist-information prosecution, and recommended a 90-year sentence. The circuit court imposed the 90-year sentence, denied Adams's Rule 35(b) sentence-reduction motion, and the Supreme Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Lucas, 201 W. Va. 271, 496 S.E.2d 221 (1997)
- State v. Head, 198 W. Va. 298, 480 S.E.2d 507 (1996)
- State v. Cooper, 172 W. Va. 266, 304 S.E.2d 851 (1983)

- State v. Williams, 205 W. Va. 552, 519 S.E.2d 835 (1999)
- State v. Phillips, 199 W. Va. 507, 485 S.E.2d 676 (1997)
- Wanstreet v. Bordenkircher, 166 W. Va. 523, 276 S.E.2d 205 (1981)
- State v. Ross, 184 W. Va. 579, 402 S.E.2d 248 (1990)
- State v. Glover, 177 W. Va. 650, 355 S.E.2d 631 (1987)
- State ex rel. Faircloth v. Catlett, 165 W. Va. 179, 267 S.E.2d 736 (1980)
- State v. Mann, 205 W. Va. 303, 518 S.E.2d 60 (1999)
- State v. Houston, 166 W. Va. 202, 273 S.E.2d 375 (1980)
- State v. Boag, 104 Ariz. 362, 453 P.2d 508 (1969)
- People v. Isitt, 55 Cal. App. 3d 23, 127 Cal. Rptr. 279 (1976)
- State v. Victorian, 332 So. 2d 220 (La. 1976)
- State v. Hoskins, 522 So. 2d 1235 (La. Ct. App. 1988)
- People v. Murph, 185 Mich. App. 476, 463 N.W.2d 156 (1990)
- Garrett v. State, 486 S.W.2d 272 (Mo. 1972)
- State v. Morris, 661 S.W.2d 84 (Mo. Ct. App. 1983)
- Robinson v. State, 743 P.2d 1088 (Okla. Crim. App. 1987)
- State v. Woods, 194 W. Va. 250, 460 S.E.2d 65 (1995)
- State v. Spence, 182 W. Va. 472, 388 S.E.2d 498 (1989)
- State v. England, 180 W. Va. 342, 376 S.E.2d 548 (1988)
- State v. Brown, 177 W. Va. 633, 355 S.E.2d 614 (1987)