

SUPREME COURT OF APPEALS OF WEST VIRGINIA

John Workman v. Karen Pszczolkowski, Superintendent

Workman · No. No. 18-1119 · Decided March 13, 2020

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed the dismissal of John Workman’s habeas corpus petition challenging his convictions and guilty plea based on alleged ineffective assistance of trial counsel. The court held that Workman failed to demonstrate prejudice because he conceded that he would have pleaded guilty rather than proceed to trial. The court also declined to consider an unpreserved claim concerning counsel’s failure to move to suppress his police statements.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice Tim Armstead; Justice Margaret L. Workman; Justice Elizabeth D. Walker; Justice Evan H. Jenkins
JURISDICTION	West Virginia
DECIDED	March 13, 2020
DOCKET	No. 18-1119
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner appealed the Circuit Court of Raleigh County's summary dismissal of his petition for a writ of habeas corpus alleging ineffective assistance of trial counsel.
STANDARD OF REVIEW	Habeas relief is reviewed under a three-prong standard: the final order and ultimate disposition for abuse of discretion, underlying factual findings for clear error, and questions of law de novo.
PRECEDENTIAL VALUE	Published memorandum decision; the opinion states that it is issued under Rule 21 as a memorandum decision and contains no substantial question of law.
PARTIES	John Workman v. Karen Pszczolkowski, Superintendent, Northern Correctional Facility

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QUESTIONS PRESENTED

1. Whether the circuit court properly summarily dismissed Workman's habeas petition without an evidentiary hearing or appointment of habeas counsel.
2. Whether Workman's trial counsel rendered ineffective assistance by failing to investigate voluntary intoxication and diminished capacity defenses and advise him regarding their effect on the murder charge.
3. Whether the Supreme Court of Appeals could consider Workman's new claim that counsel was ineffective for failing to move to suppress his police statements.
4. Whether the circuit court erred by failing to address Workman's request for a copy of his criminal case file.

HOLDINGS

1. A habeas court may deny a petition without a hearing and without appointing counsel when the petition and supporting materials show that the petitioner is entitled to no relief; the circuit court properly did so here.
2. For an ineffective-assistance claim arising from a conviction based on a guilty plea, the prejudice requirement requires the petitioner to show a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial.
3. The court would not consider on appeal Workman's claim that counsel was ineffective for failing to file a motion to suppress his police statements because Workman had not raised that issue in the circuit court.
4. The court declined to consider Workman's assignment of error concerning his request for a copy of the criminal case file because the request was not articulated with sufficient distinctiveness to alert the circuit court to the claimed defect.

KEY QUOTATIONS

"In reviewing challenges to the findings and conclusions of the circuit court in a habeas corpus action, we apply a three-prong standard of review. We review the final order and the ultimate disposition under an abuse of discretion standard; the underlying factual findings under a clearly erroneous standard; and questions of law are subject to a de novo review." (at 2)

"In cases involving a criminal conviction based upon a guilty plea, the prejudice requirement of the two-part test established by Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984), and State v. Miller, 194 W. Va. 3, 459 S.E.2d 114 (1995), demands that a habeas petitioner show that there is a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial." (at 3)

FACTUAL BACKGROUND

Workman shot and killed his former girlfriend in August 1998 and returned the next day to steal her property. He gave police two statements incriminating himself. He later pleaded guilty to first-degree murder and multiple property and forgery offenses in exchange for a life sentence with the possibility of parole on the murder charge. In his habeas petition, he claimed counsel failed to investigate voluntary intoxication and diminished capacity defenses and failed to advise him that those defenses could reduce the murder charge to second-degree murder.

PROCEDURAL HISTORY

Workman pleaded guilty in 1999 to first-degree murder and several other offenses under a binding plea agreement and did not appeal his sentence. In 2018, he filed a habeas petition alleging that counsel failed to investigate voluntary intoxication and diminished capacity defenses and failed to advise him about their effect on the murder charge. The circuit court treated the claims as a single ineffective-assistance claim, found the proposed defenses inapplicable based on Workman's police statements and conduct, declined to appoint habeas counsel, and summarily dismissed the petition. 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)
- Anstey v. Ballard, 237 W. Va. 411, 787 S.E.2d 864 (2016)
- Perdue v. Coiner, 156 W. Va. 467, 194 S.E.2d 657 (1973)
- White v. Haines, 215 W. Va. 698, 601 S.E.2d 18 (2004)
- State ex rel. Vernatter v. Warden, West Virginia Penitentiary, 207 W. Va. 11, 528 S.E.2d 207 (1999)
- Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984)
- State v. Miller, 194 W. Va. 3, 459 S.E.2d 114 (1995)
- State ex rel. Daniel v. Legursky, 195 W. Va. 314, 465 S.E.2d 416 (1995)
- State ex rel. Cooper v. Caperton, 196 W. Va. 208, 470 S.E.2d 162 (1996)
- Watts v. Ballard, 238 W. Va. 730, 798 S.E.2d 856 (2017)
- Sands v. Security Trust Co., 143 W. Va. 522, 102 S.E.2d 733 (1958)