

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Christopher Chapman v. David Ballard

Chapman · No. 13-0084 · Decided October 28, 2013

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed the summary dismissal of Christopher Chapman’s habeas corpus petition challenging his conviction and sentence for receiving stolen goods. The court held that the plea and sentencing transcript sufficiently addressed Chapman’s ineffective-assistance allegations and supported denying an evidentiary hearing and appointment of counsel.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Per Curiam; Chief Justice Brent D. Benjamin; Justice Robin Jean Davis; Justice Margaret L. Workman; Justice Menis E. Ketchum; Justice Allen H. Loughry II
JURISDICTION	West Virginia
DECIDED	October 28, 2013
DOCKET	13-0084
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner appealed the Circuit Court of Raleigh County's summary dismissal of his petition for a writ of habeas corpus challenging his conviction and sentence on ineffective-assistance grounds.
STANDARD OF REVIEW	The final order and ultimate disposition in a habeas corpus action are reviewed for abuse of discretion, underlying factual findings for clear error, and questions of law de novo. A habeas petition may be denied without a hearing or appointment of counsel when the petition and supporting materials show that the petitioner is entitled to no relief.
PRECEDENTIAL VALUE	limited
PARTIES	Christopher Chapman v. David Ballard, Warden, Mount Olive Correctional Complex

TOPICS

- state post-conviction relief
- habeas corpus
- ineffective assistance
- right to counsel
- appellate procedure

PRACTICE AREAS

state post-conviction relief

criminal procedure

appellate procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the circuit court erred by summarily dismissing Chapman's habeas petition without an evidentiary hearing.
2. Whether the circuit court erred by refusing to appoint counsel for the habeas proceeding.
3. Whether the record supported Chapman's claim that trial counsel rendered ineffective assistance by misadvising him about the charge and sentence.

HOLDINGS

1. An evidentiary hearing was not required because the plea and sentencing transcript and the existing record were sufficient to resolve Chapman's claim and showed that he was entitled to no habeas relief.
2. The circuit court did not abuse its discretion by declining to appoint counsel because the petition and record adequately presented the issues and established that the petitioner was not entitled to relief.
3. The record did not establish constitutionally ineffective assistance because the plea and sentencing court clearly advised Chapman that he was pleading guilty to a felony and that the sentence would be consecutive, and Chapman knowingly proceeded and waived relevant rights.

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." (3)

"Therefore, the Court concludes that the record was sufficient to allow the circuit court to decide the claim without an evidentiary hearing or the appointment of counsel and that the circuit court did not abuse its discretion in summarily dismissing the petition." (4)

FACTUAL BACKGROUND

Chapman pleaded guilty to felony receiving stolen goods after being advised during the plea and sentencing hearing that he was pleading to a felony and that the sentence could run consecutively to his Kanawha County sentence. He waived indictment and declined to obtain a presentence investigation report, choosing to proceed with sentencing so that he could begin the Anthony Center program. After he failed probation and the original one-to-ten-year sentence was imposed consecutively, he alleged that trial counsel had promised a misdemeanor conviction and a concurrent sentence.

PROCEDURAL HISTORY

Chapman pleaded guilty in 2007 to felony receiving stolen goods and received a sentence consecutive to his Kanawha County sentence. After his probation was revoked and the original sentence was imposed, he filed a

state habeas petition in November 2012 alleging ineffective assistance of trial counsel. The circuit court summarily dismissed the petition as frivolous and denied appointment of counsel, 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)
- Perdue v. Coiner, 156 W.Va. 467, 194 S.E.2d 657 (1973)
- 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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