

SUPREME COURT OF APPEALS OF WEST VIRGINIA

State of West Virginia v. Henry B.

No. 19-0397 · No. No. 19-0397 · Decided June 18, 2020

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed Henry B.'s convictions for sexual assault, sexual abuse by a parent or person in a position of trust, and incest. The court held that the circuit court properly found him competent to stand trial, denied his motion for a new trial, and determined that his confession was voluntary under the totality of the circumstances. The opinion 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	Per curiam; Chief Justice Tim Armstead; Justice Margaret L. Workman; Justice Elizabeth D. Walker; Justice Evan H. Jenkins; Justice John A. Hutchison
JURISDICTION	West Virginia
DECIDED	June 18, 2020
DOCKET	No. 19-0397
DISPOSITION	affirmed
PROCEDURAL POSTURE	Henry B. appealed his Mercer County Circuit Court convictions for two counts of first-degree sexual assault, two counts of sexual abuse by a parent, guardian, custodian, or person in a position of trust, and two counts of incest, as well as the denial of his motion for a new trial and motion to suppress his confession.
STANDARD OF REVIEW	The court reviewed the denial of a motion for a new trial and the conclusion concerning reversible error for abuse of discretion, underlying factual findings for clear error, and questions of law de novo. It reviewed the circuit court's factual findings on the suppression motion for clear error, giving particular deference because of the fact-specific nature of suppression proceedings and the circuit court's opportunity to observe the witnesses.
PRECEDENTIAL VALUE	Unpublished memorandum decision with limited precedential value under West Virginia appellate practice.

PARTIES

Henry B. v. State of West Virginia

TOPICS

criminal procedure

miranda rights

suppression of evidence

appellate procedure

standard of review

PRACTICE AREAS

criminal law

criminal procedure

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether the circuit court correctly determined that Henry B. was competent to stand trial and criminally responsible for his crimes.
2. Whether the circuit court abused its discretion by denying Henry B.'s motion for a new trial based on alleged trial behavior and claimed incompetency.
3. Whether the circuit court erred in denying suppression of Henry B.'s second police statement because it was allegedly involuntary due to intoxication, limited intellectual capacity, and coercion.

HOLDINGS

1. The circuit court did not err in determining that Henry B. was competent to stand trial and criminally responsible for his crimes.
2. The circuit court did not abuse its discretion in denying the motion for a new trial because Henry B.'s behavior at trial did not constitute new evidence establishing incompetency.
3. The circuit court did not err in finding that Henry B.'s confession and statements were voluntarily given and in denying his motion to suppress.

KEY QUOTATIONS

“The facts and legal arguments are adequately presented, and the decisional process would not be significantly aided by oral argument.” (1)

“Given the totality of the circumstances present, including the testimony of petitioner and the involved officers, the circuit court did not err in finding that petitioner’s confession and statements were voluntarily given.” (4)

FACTUAL BACKGROUND

Henry B. was accused of sexually abusing his three-year-old biological daughter between June 1, 2017, and February 8, 2018. During two police interviews on the same evening, he made statements admitting conduct involving a sex toy and oral sex; he later claimed that intoxication, diminished intellectual capacity, and police promises rendered the second statement involuntary. Two mental-health evaluators found him competent to stand trial and criminally responsible, while noting possible malingering. After a suppression hearing and trial, he was convicted of six offenses.

PROCEDURAL HISTORY

A Mercer County grand jury indicted Henry B. on multiple sexual-offense and child-neglect charges. The circuit court denied his motion to suppress his confession, and a jury convicted him of six offenses; the remaining charges were dismissed at the close of the State's case. The circuit court denied his motion for a new trial and sentenced him to fifty to two hundred years for the first-degree sexual-assault convictions, with sentences on the remaining charges suspended in lieu of supervised probation and lifetime sex-offender supervision. The Supreme Court of Appeals of West Virginia affirmed.

DISPOSITION

affirmed

CASES CITED

- In re K.H., 235 W. Va. 254, 773 S.E.2d 20 (2015)
- In re Jeffrey R.L., 190 W. Va. 24, 435 S.E.2d 162 (1993)
- State v. Edward Charles L., 183 W. Va. 641, 398 S.E.2d 123 (1990)
- Miranda v. Arizona, 384 U.S. 436 (1966)
- State v. Vance, 207 W. Va. 640, 535 S.E.2d 484 (2000)
- In re State Pub. Bldg. Asbestos Litig., 193 W. Va. 119, 454 S.E.2d 413 (1994)
- W.R. Grace & Co. v. West Virginia, 515 U.S. 1160 (1995)
- State v. Lacy, 196 W. Va. 104, 468 S.E.2d 719 (1996)