

Supreme Court of Appeals of West Virginia
April 21, 2015, Argument Docket
LAWS Program
Mason County Courthouse, Point Pleasant, WV

For a full description of the facts and legal arguments raised on appeal, please review the briefs filed by the parties.

1. STATE OF WEST VIRGINIA V. MICHAEL S. YORK, NO. 13-1265

Procedural Background:

This case involves a criminal appeal. The defendant, Michael S. York, appeals the order of the Circuit Court of Webster County entered on November 14, 2013, denying his motion for a new trial. The defendant was convicted and sentenced to the following terms in prison: two terms of life without mercy (first-degree murder); one determinate term of 40 years (second-degree murder); one indeterminate term of 1 to 5 years (concealment); one determinate term of 5 years (firearm); and an indeterminate term of 1 to 5 years (conspiracy). The defendant appeals his convictions.

Factual Background:

On June 27, 2012, the defendant and his wife and five-year-old daughter were at a neighbor's house in Hacker Valley, West Virginia. The decedent, Denise Coates, appeared and allegedly engaged in a physical confrontation with the defendant's wife. The parties were physically separated. The defendant and his wife and child returned to their residence. During the late afternoon, Denise Coates, Lamar Coates, and Dustin Brown went to the defendant and his wife's house to possibly repossess a washer and a dryer. The Coates previously contacted Dustin Brown and paid him \$250.00 for his assistance in going to the defendant's residence. After the victims arrived at the residence unarmed, the defendant retrieved his rifle. He returned outside and fatally shot Denise Coates once in the chest and twice in the back, shot Lamar Coates once in the chest, and shot Dustin Brown twice in the back and once in the side. The defendant and his wife tied the body of Dustin Brown to the back of an ATV and attempted to drag it up a hill to dispose of the body. The plan was ultimately terminated, and the defendant fled in his vehicle towards Kentucky and was arrested in Roane County on I-79 by the West Virginia State Police.

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Defendant York's Argument:

The defendant raises four issues on appeal. First, the defendant asserts that the circuit court committed reversible error by denying his instruction as to imperfect self-defense. The theory underlying the doctrine of imperfect self-defense is that when a defendant uses deadly force with an honest but unreasonable belief that it is necessary to defend himself, the element of malice necessary for a murder conviction is lacking. The defendant asserts that a jury instruction on imperfect self-defense could have led to a lesser conviction.

Second, the defendant asserts that the circuit court erred in not removing a juror for misconduct during his trial. The defendant states that the juror should have been removed when the juror spoke with a witness during a lunch recess. The defendant asserts that the right to a trial by an impartial jury is a fundamental constitutional right. The defendant argues that prejudice on the part of the juror is presumed where a juror engages in misconduct with an interested party.

Third, the defendant asserts that the State failed to offer sufficient evidence of malice, which is a required element of first and second degree murder.

Fourth, the defendant argues that the circuit court abandoned its neutrality when it questioned the State's medical examiner. The defendant states that the court's questions were not designed for clarification and involved an issue to be decided by the jury.

Respondent State's Argument:

The State argues that it presented sufficient evidence to support the convictions. The State asserts that the circuit court properly rejected the instruction as to imperfect self-defense because that instruction has never been formally adopted in West Virginia.

The State also asserts that the circuit court did not err in failing to remove the juror for misconduct. The State argues that the length of contact between the witness and juror was limited, the conversation was unrelated to the case, the conversation took place in a public location, and no prejudice resulted.

The State further asserts that the jury was presented with competing theories and found that the State proved its case beyond a reasonable doubt. The State argues that it was reasonable for the jury to find that the defendant had the requisite malice to commit first and second-degree murder. The State finally asserts that there is no evidence in the record of judicial misconduct.