



Legal Advancement for West Virginia Students

March 22, 2023

Monongalia County

West Virginia University
College of Law
Marlyn E. Lugar Courtroom
Morgantown, WV

ORAL ARGUMENTS BEGIN AT 10:00AM

The docket is available online at www.courtswv.gov

A Program of the Supreme Court of Appeals of West Virginia



Additional information about the West Virginia court system, including Supreme Court of Appeals opinions, is available on the Court's website at: www.courtswv.gov

For further information please contact:
Jennifer Bundy, Public Information Officer, at (304) 340-2305 or by email at jenniferbundy@courtswv.org

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Legal Advancement for West Virginia Students (LAWS)

March 22, 2023

West Virginia University College of Law

9:55 a.m.	Flag Ceremony
10:00 a.m. to 10:40 a.m.	Students from Morgantown High School and Clay-Battelle High School hear Rule 20 Argument in <i>City of Charleston v. Robert Romaine</i> , No 21-0776.
10:40 a.m. to 11 a.m.	Students remain in the courtroom and hear Rule 19 Argument in <i>State of West Virginia v. Tremaine Lamar Jackson</i> , No. 21-0738.
10:45 a.m.	Students from University High School and Preston County High School arrive and remain in main Law School hallway.
11 a.m. to 11:15 a.m.	<p>Students from Morgantown High School and Clay-Battelle High School exit the courtroom to attend debriefing with attorneys.</p> <p>Students from University High School and Preston County High School enter the courtroom</p>
11:15 a.m. to 11:55 a.m.	Students from University High School and Preston County High School hear Rule 20 Argument in <i>State of West Virginia v. Justin Conner</i> , No. 21-0323.
11:55 a.m. to 12:15 p.m.	<p>Students from University High School and Preston County High School remain in the courtroom to hear Rule 19 Argument in <i>State of West Virginia v. Adonne A. Horton</i>, No. 21-0532.</p> <p>Students from Morgantown High School and Clay-Battelle High School depart for their schools.</p>
12:15 p.m. to 1 p.m.	Students from University High School and Preston County High School have debriefing with attorneys, then depart for their schools.

Case 1

City of Charleston v. Robert Romaine, No. 21-0776

(Kanawha County, Judge Tera L. Salango)

Petitioner The City of Charleston, represented by Karen T. McElhinny and Michael D. Dunham

Respondent Robert Romaine, represented by Scott H. Kaminski

Background: The respondent, Dr. Robert Romaine, lives just inside the city limits of Charleston. The portion of roadway in front of his home, Shannon Place, was constructed by a private party and is just outside the city limits. In 2018, Dr. Romaine filed a complaint with the Circuit Court of Kanawha County, asking the circuit court to declare that either Division of Highways or City of Charleston is responsible for repairs and maintenance of the Shannon Place roadway. The City of Charleston has provided street services such as snow and tree limb removal for the roadway for thirty years. The city also put up a street sign at the front of Shannon Place and does not distinguish the part of Shannon Place where petitioner lives as outside city limits. On August 3, 2021, the circuit court entered an order that Shannon Place is an established road under W.Va. Code §17-1-3 and that the City of Charleston is in charge of maintaining it.

Law: W.Va. Code §17-1-3 states, in relevant part, “Any road shall be conclusively presumed to have been established when it has been used by the public for a period of ten years or more, and public moneys or labor have been expended thereon, whether there be any record of its conveyance, dedication or appropriation to public use or not.”

Argument of Petitioner (The City of Charleston): The City of Charleston argues that the circuit court ruling did not properly apply W.Va. Code §17-1-3. The code only defines how to establish a public road, but that does not mean the circuit court can in effect expand the city limits by forcing the city to maintain portions of a public road that are outside the current city boundaries. There are other statutes that allow for the expansion of city boundaries, but the Legislature did not include a process for doing that in W.Va. Code §17-1-3. Additionally, the petitioner argues that Dr. Romaine failed to show 10 years of consistent public use and an authorized use of public money.

Argument of Respondent (Robert Romaine): Respondent argues that nothing in W.Va. Code §17-3-1 requires that a city road or street be within city limits for its maintenance to be the city’s responsibility. Shannon Place is either a city street or state road under W.Va. Code §17-3-1 and it has already been determined that the Division of Highways is not responsible for Shannon Place.

Case 2

State of West Virginia v. Tremaine Lamar Jackson, No. 21-0738

(Raleigh County, Judge Robert Burnside)

Petitioner Tremaine Jackson, represented by Graham B. Platz

Respondent State of West Virginia, represented by William E. Longwell

Background: In 2017, the petitioner was convicted of felony manslaughter. Following his release on parole, petitioner along with several associates took part in a drug deal, which resulted in the death of the buyer. Following the shooting petitioner fled to North Carolina where he was arrested for violating his parole and returned to West Virginia. In September 2020, a grand jury returned an indictment against petitioner, charging him with 1) first-degree murder, 2) use or preparation of a firearm to commit first-degree murder, 3) being a felon in possession of a firearm, and 4) use or presentation of a firearm during the commission of the crime of being a felon in possession of a firearm.

As part of the pre-trial process, both parties made motions to the circuit court regarding the admissibility of certain evidence in the trial. As part of its pre-trial filings, the state filed a notice of its intent to introduce as evidence the petitioner's 2017 conviction for manslaughter. In a criminal trial, a balancing test is used to determine when it is proper to admit evidence of a past conviction. The balance is between the evidentiary value that the conviction might have, such as showing a signature method of committing the felony, and the prejudicial effect it might cause the jury to have toward the defendant. The circuit court ruled pre-trial that petitioner's previous conviction was inadmissible but advised that if there was a development at trial that justified reconsidering, the circuit court would hear counsel's argument on it. The state also filed a "Motion in Limine to Bar Inadmissible Evidence of Guilt of Another." On this motion, the circuit court ruled that petitioner could not admit "speculative" evidence that someone else committed the crime charged.

During the trial, the state called Detective Weavers to testify on the chain of custody and on the petitioner's prior felony conviction, as part of its case for Counts 3 and 4 regarding ownership of a gun as a felon. Petitioner objected. At a sidebar, the state said the testimony was being offered solely toward Count 3. Petitioner's counsel then said the petitioner was willing to stipulate to the fact petitioner had a prior felony conviction in the place of the evidence being presented in the trial. The state objected, saying it had previously attempted to elicit a stipulation and was unsuccessful. The petitioner did not disagree. The circuit court stated that it could not participate in negotiating a stipulation, and that the evidence was relevant to Count 3. The state then admitted into evidence petitioner's conviction order. The court gave a limiting instruction, instructing the jury that this evidence could only be considered regarding Counts 3 and 4, and not regarding Counts 1 and 2.

During petitioner's case, he testified in his own defense. As part of that testimony, petitioner attempted to testify that someone else fired the gun and killed the decedent. The state objected, reminding the court that this issue had been addressed in its "Motion in Limine to Bar Inadmissible Evidence of Guilt of Another" and that if the petitioner intended to put on evidence of this crime being committed by another person, they had to put the state on notice and had not done so. Petitioner's counsel responded that petitioner was "putting up a defense that he didn't do it and also rebutting a witness that was put on by the state as to whether or not he was the person who shot the decedent." The circuit court ruled that the defendant could not present evidence that

someone else committed the crime without having given a sufficient advanced notice in accordance with the circuit court's pretrial orders.

The jury found petitioner guilty on all four counts, and the trial court sentenced him

Law: The action of a trial court in admitting or excluding evidence in the exercise of its discretion will not be disturbed by the appellate court unless it appears that such action amounts to an abuse of discretion. Syllabus point 10, *State v. Huffman*, 141 W.Va. 55, 87 S.E.2d 541(1955), *overruled on other grounds by State ex rel. R.L. v Bedell*, 192 W.Va. 435, 452 S.E.2d 893(1994)." Syl. Pt. 2, *State v. Doonan*, 220 W.Va. 8, 640 S.E.2d 71 (2006). Sy.; Pt. 12, *State v. Rollins*, 233 W.Va. 715, 760 S.E.2d 529, 535 (2014).

Argument of Petitioner (Tremaine Jackson): Petitioner argues that the circuit court abused its discretion in refusing the petitioner's felon status stipulation. By telling the jury about his prior conviction for voluntary manslaughter, it prejudiced the jury against him. Defendants have the right to stipulate to status elements of crimes charged. Under *State v Herbert*, a trial court abuses its discretion when it spurns a defendants offer to stipulate and instead admits the judgment record when the name or nature of the prior offense raised the risk of a verdict tainted by improper considerations.

Petitioner additionally argues that the trial court violated petitioner's due process rights when it prohibited him from offering his perception of the events related to decedent's death. Under the 14th Amendment of the United States Constitution and under article III §14 of the West Virginia Constitution. The trial court prohibiting petitioner from testifying about his personal knowledge of decedent's death was not a harmless error. A defendant is not required to provide notice to the state if he intends to suggest an alternative perpetrator under *Malick*.

Argument of Respondent (State of West Virginia): The state argues that the trial court did not abuse its discretion in refusing the petitioner's offer to stipulate. The petitioner's offer mid-trial did not comply with W.Va. Trial Court Rule 42.05. Rule 42.05 requires stipulations to be in writing, signed by the party making it or their counsel, and promptly filed with the clerk. Although oral offers to stipulate in certain circumstances are acceptable, those circumstances are not met here as it was not agreed to by the parties. The circuit court's refusal to accept petitioner's offer to stipulate was an appropriate exercise of its broad discretion in managing the procedure and conduct of trial. Even if the Supreme Court finds that the trial judge erred in denying petitioner's offer to stipulate, it was harmless beyond a reasonable doubt because the evidence against petitioner at trial was overwhelming.

The state also argues that the trial court did not abuse its discretion in prohibiting petitioner from testifying as to the alleged guilt of another. A circuit court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence. W. Va. R. Evid. 403. Petitioner was required by the circuit court's pre-trial order to provide notice of his intent to offer such evidence. Regarding the circuit court's notice requirement, the circuit court has authority to regulate the conduct and procedure of trial. Rule of Evidence 16(c)(2) gives a trial court broad latitude in its selection of an appropriate remedy for discovery violations. Here petitioner committed a discovery violation by failing to provide notice as required by the trial court. Further, under *Malick*, petitioner did not lay the foundation to offer the evidence of guilt of another person.

Case 3

State of West Virginia v. Justin Conner, No. 21-0323

(Fayette County, Judge Paul M. Blake, Jr.)

Petitioner Justin Conner, Represented by Graham B. Platz

Respondent State of West Virginia, Represented by William E. Longwell

Background: On March 18, 2019, victim C.B. filed a petition for a domestic violence protective order (DVPO). On March 23, 2019, petitioner was charged with the felony of strangulation, and the misdemeanors of violating a DVPO, domestic assault, and domestic battery. A condition of petitioner being released on bond was that he have no contact with C.B. The bond did not address the couple's shared residence. On April 3, 2019, C.B. moved to terminate the DVPO and the motion was granted by the family court. Petitioner then returned to the shared residence where he struck C.B. After C.B. contacted law enforcement, petitioner left the residence. The next day petitioner returned, kicked in the door which C.B. had barricaded, and attacked C.B. The police arrested petitioner at the residence. The grand jury indicted petitioner on sexual assault, strangulation, domestic battery, domestic assault, violating a DVPO, and burglary. After the close of the state's case, petitioner moved for an acquittal of the burglary charge. The circuit court denied petitioner's motion for judgment of acquittal, finding that petitioner "broke and entered the dwelling house of C.B. with intent to commit a crime therein."

Law: Prior to 2018, W.Va. Code §61-3-11 defined burglary in relevant part "the dwelling house... of another." In 2018 the Legislature removed the phrase "of another" from the statute.

Argument of Petitioner (Justin Conner): Petitioner argues that the circuit court erred in denying his motion for judgment of acquittal because there was no evidence presented that he unlawfully entered a dwelling, as the dwelling was also his. Petitioner argues that most states hold that one cannot burglarize their own home, and some states hold this despite their legislatures' omission of the requirement of entry of *another's* dwelling for burglary. Alternatively, petitioner argues that even if one could burglarize their own home, he did not because his entry was not unlawful. Petitioner had access to the shared residence with C.B. as there was no eviction and no active DVPO at the time. At trial the state relied on petitioner's bond which required that he have no contact with C.B. but the bond condition did not grant C.B. sole possession of the shared residence or otherwise strip petitioner of his possessory interest.

Argument of Respondent (State of West Virginia): The state argues that the Supreme Court applies a *de novo* standard of review to the denial of a motion for judgment of acquittal based upon the sufficiency of the evidence. The Legislature's removal of the phrase "of another" from the burglary statute in 2018 shows a clear intent that it did not want to limit burglary to the dwelling of another. A bill's legislative history cannot negate the plain language of an adopted statute when the language is unambiguous. Contrary to petitioner's argument, West Virginia's burglary statute does not require an entry to be "unlawful" for the purpose of burglary and his reliance on California caselaw is misplaced. Finally, by violating his criminal bond condition, petitioner committed burglary. The bond condition forbid contact with C.B., so petitioner had no legal right to enter the home where C.B. was located.

Case 4

State of West Virginia v. Adonne A. Horton, No. 21-0532

(Marion County, Judge David R. Janes)

Petitioner Adonne A. Horton, represented by Gary A. Collias

Respondent State of West Virginia, represented by Mary Beth Niday

Background: on October 2, 2017, petitioner was indicted by a grand jury of one count of fleeing in a vehicle with reckless disregard in violation of W.Va. Code §61-5-17(f). Following a jury trial, petitioner was convicted. On September 4, 2019, the state charged the petitioner as a recidivist under W.Va. Code §61-11-18. The information alleged that petitioner had two prior felony convictions, the first being from April 1999 and the second from June 2003. In June 2020, a new version of the recidivist statute was enacted which implemented a provision preventing circuit courts from considering felony acts which occurred more than twenty years ago. After being found guilty of the offense of third or subsequent felony recidivist, the petitioners submitted a memorandum arguing that any life sentence imposed under the recidivist statute “is subject to scrutiny under the proportionality clause of the Constitution.” By order on June 7, 2021, the circuit court imposed a life sentence with mercy.

Law: “Under ex post facto principles of the United States and West Virginia Constitutions, a law passed after the commission of an offense which increases the punishment, lengthens the sentence or operates to the detriment of the accused, cannot be applied to him.” Syl. Pt. 1, *Adkins v. Bordenkircher*, 164 W.Va. 292, 262 S.E.2d 885

Argument of Petitioner (Adonne A. Horton): Petitioner argues that the circuit court made it clear it relied upon the June 2020 version of W.Va. Code §61-11-18, over petitioner’s objection, and even though it had been enacted after all of petitioner’s convictions. In doing so, the court violated the ex post facto clause of both the United States and West Virginia Constitutions.

Petitioner additionally argues that the circuit court erred in finding that petitioner’s life sentence was not constitutionally disproportionate based on the language of the recidivist statute itself. With regard to a challenge to a sentence based on unconstitutional disproportionality, the clarity of the language of a statute and the intention of the Legislature are simply irrelevant. The court was free to consider the “constitutional provisions” themselves, as well as relevant case law, but it was not free to answer the question by simply referencing the recidivist statute itself.

Petitioner additionally argues that a life sentence when the triggering offense is punishable by 1-5 years in prison shocks the conscience. Petitioner also argues that his convictions should not qualify under the recidivist statute as they do not meet the violence requirements of the old statute.

Argument of Respondent (state of West Virginia): The state argues that to whatever extent the circuit court’s application of the 2020 amendment may have been error, it was harmless because the amendments did not disadvantage the petitioner in violation of ex post facto principles. Petitioner’s life sentence must be upheld, because it does not shock the conscience. Petitioner’s underlying conviction in this instance involved reckless

disregard for others, endangering motorists, and others present. Further, petitioner's other two convictions were violent. Petitioner admits that all three of his offenses involved at least a threat of violence, so even if the circuit court erred in its use of the 2020 statute which lists enumerated crimes that qualify under the recidivist statute, petitioner would still qualify for a conviction as a recidivist under the previous statute which requires 2 of the 3 crimes involve an element of violence.

Courtroom Protocol

Every person appearing or attending court must observe basic courtroom etiquette and conduct rules. This is necessary to manage cases and to maintain dignity and respect for the Court.

- Dress appropriately. Remove hats before entering the courtroom.
- Be on time. Enter the courtroom prior to the commencement of an argument.
- If physically able, stand when the justices enter and leave the courtroom. Remain standing until invited to be seated.
- Listen attentively and do not talk during courtroom proceedings. Refrain from anything that may create a distraction in the courtroom. No one should be heard speaking except for counsel or a justice.
- Do not enter or leave the courtroom during oral argument.
- Do not bring food or drink, cameras, recording devices, backpacks, or purses into the courtroom. Weapons of any kind, including pocketknives, are prohibited. (Media may have cameras and recording devices.)
- Be respectful to all in attendance. Address others only by their titles and surnames, including lawyers, court personnel, and other attendees. Justices may be addressed as "Justice" or "Your Honor."
- All cellphones must be turned off before entering the courtroom.

Please note that the Code of Judicial Conduct prohibits the justices from discussing individual cases with you.

Introduction to the West Virginia Judicial System

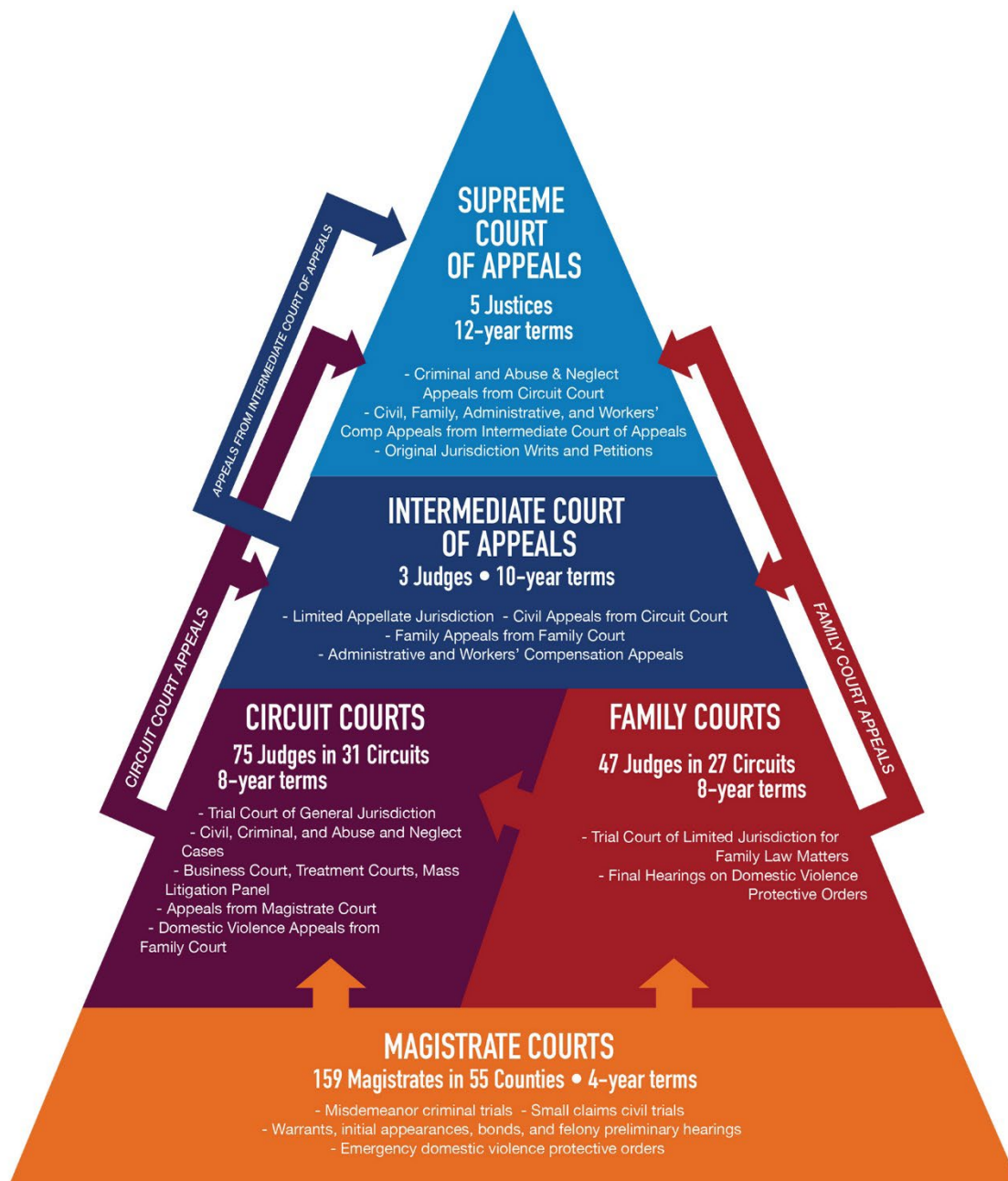
The judiciary is one of three coequal branches of state government, each with separate powers. The legislative branch makes the law. The executive branch enforces the law. The judicial branch interprets and applies the law in cases brought before the courts.

West Virginia became a state on June 20, 1863. The present West Virginia Constitution was ratified in 1872. In 1880, the West Virginia Legislature rewrote the entire judicial article, which the voters adopted.

On November 5, 1974, state voters ratified the Judicial Reorganization Amendment, which became effective on January 1, 1976. This amendment ended the justice of the peace system and established a unified court system, uniting all state courts (except municipal courts) into a single system supervised and administered by the Supreme Court of Appeals of West Virginia.

The amendment organized the judiciary into three levels: the Supreme Court of Appeals, circuit courts, and magistrate courts. In November 2000, the voters passed a constitutional amendment to allow the Legislature to create separate family courts. The new family courts began operating on January 1, 2002. In 2021, the Legislature voted to establish an Intermediate Court of Appeals, which became operational on July 1, 2022.

In 2010, the Supreme Court of Appeals revised the Rules of Appellate Procedure, fundamentally changing the appeal process to provide an appeal of right instead of an appeal by permission. In 2022 the Supreme Court revised the Rules of Appellate Procedure again to include rules for the operation of the Intermediate Court of Appeals.



Supreme Court of Appeals

The Supreme Court of Appeals is West Virginia's highest court and the court of last resort. The five Supreme Court justices hear appeals from circuit courts in criminal matters, juvenile proceedings, child abuse and neglect proceedings, extraordinary writ cases including *habeas corpus*, and domestic violence. The justices also have original jurisdiction in extraordinary writ proceedings involving *habeas corpus*, mandamus, quo warranto, prohibition, and *certiorari*. They interpret the laws and Constitutions of West Virginia and the United States. The Supreme Court also hears appeals from the Intermediate Court of Appeals.

Arguments before the Supreme Court of Appeals are typically presented by attorneys. Unlike trials in lower courts, there are no witnesses, juries, or testimony. Opinions by the Supreme Court of Appeals can be appealed only to the Supreme Court of the United States.

There are two terms of the Court each year. The first term begins on the second Tuesday in January. The second term begins on the first Wednesday in September. The time period between terms is called "*sine die*," which is Latin for "without day." When the Court is in session, the justices hear cases and deliver decisions and opinions. At other times, the justices consider emergency business that comes before the Court.

In addition to its judicial functions, the Supreme Court of Appeals has administrative and regulatory responsibilities. The Court has adopted a Code of Judicial Conduct, Rules for Admission to the Practice of Law, Rules of Professional Conduct, Rules of Judicial Disciplinary Procedure, and Rules of Lawyer Disciplinary Procedure. The Court sits in the capital city of Charleston but may preside in other locations.

The five justices are elected in nonpartisan elections to twelve-year terms. Justices must have been lawyers for at least ten years. The Court chooses its chief justice, and the person selected serves a one-year term as chief. The governor appoints justices to fill vacancies.

Justices of the Supreme Court of Appeals



Chief Justice Elizabeth "Beth" D. Walker was elected to the Supreme Court of Appeals of West Virginia on May 10, 2016, becoming the first Justice elected in a non-partisan race. She took office on January 1, 2017 and served as Chief Justice in 2019.

Justice Walker is active on social media and passionate about public engagement and civics education. In 2020, she and her friends Justice Rhonda Wood of the Arkansas Supreme Court, Chief Justice Bridget McCormack of the Michigan Supreme Court, and Justice Eva Guzman of the Texas Supreme Court launched the podcast *Lady Justice: Women of the Court*. It features discussions of the judicial branch of government and their experiences on their state's highest appellate court and is available online at www.ladyjusticepod.com.

Justice Walker was raised in Huron, Ohio. She is a 1987 *summa cum laude* graduate of Hillsdale College in Hillsdale, Michigan. She earned her law degree in 1990 from The Ohio State University, where she was Articles Editor for *The Ohio State Law Journal*. During her years of private practice, she participated in courses offered by the Program on Negotiation at Harvard Law School, including its Mediation Workshop. Immediately after graduating from law school, Justice Walker moved to West Virginia and joined the law firm of Bowles Rice McDavid Graff & Love (now Bowles Rice) in Charleston. During her twenty-two years at Bowles Rice, she concentrated her statewide practice on labor and employment law and mediation. Justice Walker served on the firm's Executive Committee and in several other leadership roles.

After moving from Charleston to Morgantown in 2011, Justice Walker became Associate General Counsel for the West Virginia United Health System (also known as West Virginia University Medicine). In that role, she advised WVU Medicine's hospitals and other affiliates regarding labor and employment matters from 2012 until she resigned in 2016 to take office.

In 2012, Justice Walker was elected a Fellow of the College of Labor and Employment Lawyers. She is a 1999 graduate of Leadership West Virginia. A lifelong Girl Scout, Justice Walker is former chair of the board of directors of Girl Scouts of Black Diamond Council. She also served as chair of the boards of Leadership West Virginia and Kanawha Pastoral Counseling Center.

She is married to Mike Walker and stepmother to Jennifer. They live in Charleston.



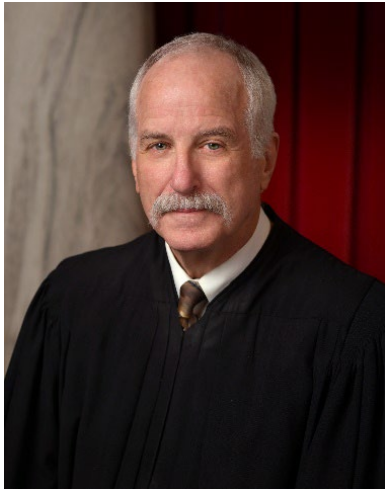
Justice Tim Armstead was appointed to the Supreme Court of Appeals of West Virginia and took office September 25, 2018. He was elected November 6, 2018, to retain the seat until the end of the term that ended December 31, 2020, and was elected on June 9, 2020, to a 12-year term that began January 1, 2021.

Justice Armstead became Speaker of the West Virginia House of Delegates in 2015 and was re-elected in 2017. Prior to serving as Speaker of the House, he had been Minority Leader since 2006 and a member of the House since 1998.

Justice Armstead began his public service career as a press intern for Governor Arch Moore. He later worked as Executive Assistant to the Chief of Staff of Governor Cecil Underwood. He served as a law clerk for U.S. District Judge David A. Faber.

He served on the Governor's Cabinet on Children and Families during the administration of Governor Underwood and on the Board of the Elk River Community Council. He is a member of the Judicial Conference of the Fourth Circuit. He also is a Knight of the Golden Horseshoe.

Justice Armstead is a graduate of the University of Charleston and West Virginia University College of Law. He lives in Elkview with his wife, Anna. They have one daughter, a grandson and a granddaughter.



Justice John A. Hutchison was appointed to the Supreme Court in December 2018 by Governor Jim Justice and elected on June 9, 2020, to a term ending December 31, 2024.

He previously was appointed to the bench in the Tenth Judicial Circuit (Raleigh County) by then-Governor Gaston Caperton in 1995, and he was elected to that seat in 1996 and re-elected in 2000, 2008 and 2016.

As a circuit judge, Justice Hutchison was a member of the Supreme Court's Mass Litigation Panel and was a judicial representative on the Commission to Study Residential Placement of Children. He was appointed several times to sit on the Supreme Court when a Justice was recused. He also served as treasurer, secretary, vice president, and president of the West Virginia Judicial Association and was chairman and vice-chairman of the association's

legislative and pensions committees.

He was born and raised in Beckley, West Virginia. He has a 1972 bachelor's degree in history and political science from Davis and Elkins College and a 1980 law degree from West Virginia University College of Law.

He was assistant basketball coach at Davis and Elkins College (1972 to 1974) and was dorm director and assistant basketball coach at Concord University (1975 to 1977). After law school, he practiced law in Raleigh County for ten years with Gorman, Sheatsley and Hutchison. In 1991 he opened the Nationwide Insurance West Virginia Trial Division Office and served as its managing trial attorney for four years. From 1974 to 1975 he also taught and coached in Raleigh County Schools. During holiday and summer breaks from school he worked as a construction laborer, a carpenter's helper, and a framing carpenter, and one summer he worked as a steelworker on the bridge construction over the New River in Hinton, West Virginia.

Chief Justice Hutchison was a registered official with the Secondary School Activities Commission in soccer and baseball for approximately fifteen years and also has served on the board of directors at the Beckley-Raleigh County YMCA.

He is a West Virginia Bar Foundation Fellow and the recipient of the 2019 Liberty Bell Award and the 2019 Champion of Children Award.

He is married to Victoria Lagowski Hutchison and they have two children and three grandchildren.



Justice William R. "Bill" Wooton was sworn into office on December 30, 2020, to a 12-year-term on the Supreme Court of Appeals of West Virginia. He was elected June 9 to a term that began January 1, 2021.

A native of Raleigh County, Justice Wooton was educated in Raleigh County public schools. He received a bachelor's degree in business management from Marshall University and a law degree from West Virginia University College of Law, where he was editor-in-Chief of the *West Virginia Law Review*, Order of the Coif, and graduated at the top of his class.

He was a law clerk for the Honorable John A. Field, Jr., Judge, United States Court of Appeals for the Fourth Circuit from 1971 to 1972; an assistant West Virginia Attorney General from 1972 to 74; and an Assistant Raleigh County Prosecutor from 1974 to 1977. He practiced law in Beckley with the firm

Wooton, Wooton & Fragile from 1977 until 1994; with The Wooton Law Firm from 1994 until 2014; and with Wooton & Wooton, Attorneys at Law, from 2014 through 2020.

Justice Wooton served in the West Virginia Legislature for 26 years. He was a member of the House of Delegates from 1977 through 1986, 1989 to 1990, and 2009 to 2010, and served as House Majority Leader from 1985 to 1986. He served in the West Virginia Senate 1991 through 2002 and was Chairman of the Senate Judiciary Committee 10 Years.

He served more than 30 years in the United States Army Reserve and the West Virginia Army National Guard, where he retired as a Colonel. He was a longtime member of the Beckley Rotary Club and the Beckley-Raleigh County Chamber of Commerce, and has been a Beckley Little League coach.

Justice Wooton is a permanent member of the Judicial Conference of the Fourth Circuit and is a West Virginia Bar Foundation Fellow. He and his wife, Shir, have three adult sons and five grandchildren. They live in Beckley.



Justice C. Haley Bunn was appointed to the Supreme Court on April 6, 2022, by Governor Jim Justice, and took office on April 27, 2022.

She was born and raised in Oceana, Wyoming County. She is a 2007 honors graduate of West Virginia University. She graduated Order of the Coif and Order of Barristers from WVU College of Law in 2010.

She worked in private practice in Charleston from 2010 to 2012 and from 2019 until her appointment to the Supreme Court. She primarily practiced civil defense litigation, representing individuals and companies ranging from family businesses to large corporations.

From 2012 to 2019, she was an Assistant U.S. Attorney for the Southern District of West Virginia in the Criminal Division. Her focus as a prosecutor was on major drug distribution cases. In 2017, the U.S. Department of Justice selected her as one of twelve prosecutors in the country to serve in an Opioid Fraud and Abuse Detection Unit. The OFADU was dedicated to curtailing illegal diversion of prescription opioids and healthcare fraud related to the opioid crisis.

She is a member of the American Bar Association. She served on the board of the Bible Center School in Charleston, and she has volunteered with the Boy Scouts of America's Legal Explorers Program.

She and her husband, Joseph Bunn, live in Charleston and have two children.

Members of the Supreme Court of Appeals

Including the present members, there have been 85 justices of the Supreme Court of Appeals of West Virginia. Three justices have served twice. In 1863, the Supreme Court of Appeals consisted of three judges. Its membership was increased to four with the ratification of the West Virginia Constitution in 1872. On November 4, 1902, a constitutional amendment increased the number to the present five. The Judicial Reorganization Amendment of 1974 changed the title of the members of the Supreme Court of Appeals from judges to justices. The longest single period of service on the Court was that of the late Judge Frank C. Haymond of Marion County, who served for nearly 27 years. Justice Margaret L. Workman was the first woman to serve on the Supreme Court of Appeals.

The following are former and present members of the Supreme Court of Appeals of West Virginia.

NO.	NAME	COUNTY	TERM OF SERVICE
1.	Ralph L. Berkshire	Monongalia	1863-1866
2.	William A. Harrison	Harrison	1863-1868
3.	James H. Brown	Kanawha	1863-1870
4.	Edwin Maxwell	Harrison	1867-1872
5.	Ralph L. Berkshire	Monongalia	1869-1872***
6.	Charles P. T. Moore	Mason	1871-1881
7.	John S. Huffman	Harrison	1873-1875
8.	James Paull	Ohio	1873-1875
9.	Alpheus F. Haymond	Marion	1873-1882
10.	Matthew Edmiston	Lewis	1876*
11.	Thomas C. Green	Jefferson	1876-1889**
12.	Okey Johnson	Wood	1877-1888
13.	James French Patton	Monroe	1881-1882*
14.	Adam C. Snyder	Greenbrier	1882-1890**

15.	Samuel Woods	Barbour	1883-1888**
16.	Henry Brannon	Lewis	1889-1912
17.	John W. English	Mason	1889-1900
18.	Daniel B. Lucas	Jefferson	1890-1892**
19.	Homer A. Holt	Greenbrier	1890-1896**
20.	Marmaduke H. Dent	Taylor	1893-1904
21.	Henry C. McWhorter	Kanawha	1897-1908
22.	George Poffenbarger	Mason	1901-1922
23.	Warren Miller	Jackson	1903-1904*
24.	Frank Cox	Monongalia	1905-1907
25.	Joseph M. Sanders	Mercer	1905-1907
26.	William N. Miller	Wood	1907-1928**
27.	Ira E. Robinson	Taylor	1907-1915**
28.	L. Judson Williams	Greenbrier	1909-1920
29.	Charles W. Lynch	Harrison	1913-1921
30.	John W. Mason	Marion	1915-1916*
31.	Harold A. Ritz	Mercer	1917-1922
32.	Frank Lively	Kanawha	1921-1932
33.	James A. Meredith	Marion	1922-1924*
34.	William H. McGinnis	Raleigh	1923-1924
35.	M.O. Litz	McDowell	1923-1936**
36.	John H. Hatcher	Raleigh	1924-1940
37.	Homer B. Woods	Ritchie	1925-1936
38.	Haymond Maxwell	Harrison	1928-1940**
39.	Jo N. Kenna	Kanawha	1933-1950
40.	Fred L. Fox	Braxton	1937-1952

41.	James B. Riley	Ohio	1937-1958
42.	Herschel H. Rose	Marion	1941-1945
43.	William T. Lovins	Cabell	1941-1957
44.	Frank C. Haymond	Marion	1945-1972**
45.	Leslie E. Given	Kanawha	1950-1962**
46.	Chauncey Browning	Logan	1952-1971**
47.	Henry L. Ducker	Cabell	1957-1958*
48.	Robert T. Donley	Monongalia	1958*
49.	Thornton G. Berry, Jr.	McDowell	1958-1976
50.	Harlan M. Calhoun	Hardy	1958-1972
51.	Fred H. Caplan	Harrison	1962-1980**
52.	John E. Carrigan	Marshall	1971-1972*
53.	Charles H. Haden, II	Monongalia	1972-1975**
54.	Oliver D. Kessel	Jackson	1972*
55.	James M. Sprouse	Monroe	1973-1975
56.	Richard Neely	Marion	1973-1995
57.	Edwin F. Flowers	Hancock	1975-1976*
58.	Donald R. Wilson	Jackson	1976*
59.	Sam R. Harshbarger	Cabell	1977-1984
60.	Thomas B. Miller	Ohio	1977-1994
61.	Darrell V. McGraw, Jr.	Wyoming	1977-1988
62.	Thomas E. McHugh	Kanawha	1981-1997
63.	W. T. Brotherton, Jr.	Kanawha	1985-1995
64.	Margaret L. Workman	Kanawha	1989-1999
65.	Franklin D. Cleckley	Monongalia	1994-1996*
66.	Arthur M. Recht	Ohio	1994-1996*

67.	Joseph P. Albright	Wood	1995-1996****
68.	Robin J. Davis	Kanawha	1996-2018
69.	Larry V. Starcher	Monongalia	1997-2008
70.	Elliott E. Maynard	Mingo	1997-2008
71.	John F. McCuskey	Kanawha	1998*
72.	Warren R. McGraw	Wyoming	1998-2004
73.	George M. Scott	Roane	1999-2000*
74.	Joseph P. Albright	Wood	2001-2009
75.	Brent D. Benjamin	Kanawha	2005-2016
76.	Margaret L. Workman	Kanawha	2009-2020
77.	Menis E. Ketchum	Cabell	2009-2018
78.	Thomas E. McHugh	Kanawha	2009-2012**
79.	Allen H. Loughry II	Kanawha	2013-2018
80.	Elizabeth D. Walker	Kanawha	2017-Present
81.	Tim Armstead	Kanawha	2018-Present**
82.	Evan Jenkins	Cabell	2018-2022**
83.	John R. Hutchison	Raleigh	2019-Present**
84.	William R. Wooton	Raleigh	2021-Present
85.	C. Haley Bunn	Wyoming	2022-Present*

* Appointed to unexpired term.

** Appointed, then elected.

*** Elected, then re-appointed

**** Appointed, then later elected.