

**STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS**

**FILED
January 25, 2024**

**John Hedrick,
Petitioner Below, Petitioner**

C. CASEY FORBES, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

vs.) **No. 22-0402** (Berkeley County 2015-C-388)

**Donnie Ames, Superintendent, Mt. Olive
Correctional Complex,
Respondent Below, Respondent**

MEMORANDUM DECISION

Petitioner John Hedrick appeals the Circuit Court of Berkeley County’s April 29, 2022, order denying his petition for a writ of habeas corpus alleging ineffective assistance of trial counsel and disproportionate sentence.¹ Upon our review, finding no substantial question of law and no prejudicial error, we determine that oral argument is unnecessary and that a memorandum decision affirming the circuit court’s order is appropriate. *See* W. Va. R. App. P. 21(c).

In 2014, petitioner was convicted of one count each of first-degree robbery, assault during the commission of a felony, malicious assault, conspiracy to commit malicious assault, burglary, and conspiracy to commit burglary. Following a subsequent recidivist trial at which it was determined that petitioner was the same person twice previously convicted of felony burglary, petitioner was sentenced to life imprisonment for his assault during the commission of a felony conviction, sixty years for his first-degree robbery conviction, not less than two nor more than ten years for his malicious assault conviction, not less than one nor more than fifteen years for his burglary conviction, and not less than one nor more than five years for each of his remaining conspiracy convictions. All sentences were ordered to run consecutively, save for his recidivist life sentence, which was ordered to run concurrently with the others. This Court affirmed petitioner’s convictions in *State v. Hedrick*, No. 14-0905, 2015 WL 2364249 (W. Va. May 15, 2015)(memorandum decision).

Petitioner filed a petition for a writ of habeas corpus alleging ineffective assistance of trial counsel and that the sentences imposed by the circuit court were disproportionate to his crimes.² The court held an omnibus evidentiary hearing at which petitioner and his trial counsel testified.

¹ Petitioner appears by counsel B. Craig Manford, and respondent appears by Attorney General Patrick Morrissey and Assistant Attorney General R. Todd Goudy.

² Petitioner’s trial counsel was different from his counsel before this Court.

By order dated April 29, 2022, the court denied petitioner habeas relief. Petitioner now appeals, and our review of the court’s order denying habeas relief is guided by the following standard: “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.” Syl. Pt. 1, in part, *Mathena v. Haines*, 219 W. Va. 417, 633 S.E.2d 771 (2006).

On appeal, petitioner argues that the court erred in denying him habeas relief for two reasons. First, petitioner maintains that he received ineffective assistance of trial counsel because counsel underestimated the strength of the State’s evidence supporting first-degree robbery, which prevented petitioner from assessing his risk in proceeding to trial and knowledgeably determining whether to accept a plea offer. Relatedly, petitioner argues that trial counsel was ineffective in failing to adequately discuss the State’s plea offers with petitioner. In further support of his claim that trial counsel was ineffective, petitioner contends that counsel failed to investigate or present evidence of his heroin addiction, which could have mitigated his sentence, and to raise “all possible assignments of error” in his direct appeal.³ Second, petitioner argues that the court erred in denying him habeas relief because his sentence is disproportionate and excessive.

The circuit court thoroughly considered and addressed each of these claims in its well-reasoned order denying petitioner habeas relief. Petitioner does not identify any specific error in the findings made and conclusions reached by the court on these claims; rather, his arguments to this Court are largely duplicative of those he advanced below. Accordingly, petitioner has not satisfied his burden of demonstrating error in the court’s rulings, and we find none. *See* Syl. Pt. 2, *Dement v. Pszczolkowski*, 245 W. Va. 564, 859 S.E.2d 732 (2021) (quoting Syl. Pt. 2, *Perdue v. Coiner*, 156 W. Va. 467, 194 S.E.2d 657 (1973)) (“On an appeal to this Court the appellant bears the burden of showing that there was error in the proceedings below resulting in the judgment of which he complains, all presumptions being in favor of the correctness of the proceedings and judgment in and of the trial court.”). Finding no error in the court’s detailed findings and conclusions on the assignments of error now raised by petitioner, we affirm.

For the foregoing reasons, we affirm.

Affirmed.

ISSUED: January 25, 2024

CONCURRED IN BY:

³ Petitioner also argues that the cumulative effect of these alleged deficiencies in representation deprived him of a fair trial. Petitioner, however, has failed to “pinpoint when and how” he raised that issue below as required by Rule 10(c)(7) of the West Virginia Rules of Appellate Procedure. The rule permits this Court to “disregard” errors “that are not adequately supported by specific references to the record on appeal.” Nevertheless, as explained below, we find no error in the court’s conclusion that trial counsel was effectively assistive, so the cumulative error doctrine is inapplicable. *See State v. Knuckles*, 196 W. Va. 416, 426, 473 S.E.2d 131, 141 (1996) (“Cumulative error analysis should evaluate only the effect of matters determined to be error, not the cumulative effect of non-errors.”).

Chief Justice Tim Armstead
Justice Elizabeth D. Walker
Justice John A. Hutchison
Justice William R. Wooton
Justice C. Haley Bunn