

**FILED**  
**May 28, 2025**

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

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

**Paul Darren Spinks,**  
**Plaintiff Below, Petitioner**

**v.) No. 23-423** (Nicholas County CC-34-2018-C-3)

**Jonathan Frame, Superintendent,**  
**Mount Olive Correctional Center,**  
**Defendant Below, Respondent**

**MEMORANDUM DECISION**

Petitioner Paul Darren Spinks appeals the June 6, 2023, order entered by the Circuit Court of Nicholas County denying his petition for post-conviction habeas corpus.<sup>1</sup> On appeal, the petitioner argues that he was denied effective assistance of trial counsel. Upon our review, finding no substantial question of law and no prejudicial error, we determine oral argument is unnecessary and that a memorandum decision is appropriate. *See* W. Va. R. App. P. 21(c).

On August 19, 2015, a jury convicted the petitioner of one count of first-degree murder of his wife, Elizabeth Spinks, and the trial court sentenced him to life imprisonment without the possibility of parole. The petitioner filed a direct appeal of that conviction, and this Court affirmed in *State v. Spinks*, 239 W. Va. 588, 803 S.E.2d 558 (2017) (“*Spinks I*”). The petitioner then filed a petition for a writ of habeas corpus, arguing that 1) the court erroneously instructed the jury that it may consider false or misleading statements made by the petitioner during the investigation as indications of consciousness of guilt; 2) the court erred when it refused to qualify a defense witness as an expert before testifying about “the presence and location of blood”; 3) he was prejudiced by a pre-indictment delay; and 4) his trial counsel was ineffective because he conducted an inadequate investigation, failed to object to testimony from State witnesses, failed to object to a jury instruction, failed to effectively cross-examine the State’s blood pattern and bullet trajectory expert, and did not present mitigation evidence. After holding an omnibus hearing, the circuit court denied the habeas petition by order dated February 25, 2022. The petitioner appealed. This Court vacated the order denying habeas relief and remanded the matter to the circuit court with directions to address all the allegations raised by the petitioner. *See Spinks v. Ames*, No. 22-0222, 2023 WL

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<sup>1</sup> The petitioner appears by counsel Edward Bullman. The State appears by Attorney General John B. McCuskey and Deputy Attorney General Andrea Nease Proper. Because a new Attorney General took office while this appeal was pending, his name has been substituted as counsel.

3196366 (W. Va. May 2, 2023) (memorandum decision) (“*Spinks II*”). Following remand, the circuit court entered an order dated June 6, 2023, again denying the petition for habeas corpus.

The petitioner appeals from the circuit court’s order denying habeas relief. When this Court reviews a circuit court’s final order in a habeas 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.” Syl. Pt. 1, in part, *Mathena v. Haines*, 219 W. Va. 417, 633 S.E.2d 771 (2006).

The circuit court thoroughly considered and addressed each of the petitioner’s claims. Upon our review, we conclude that the 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) (“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.” (quoting Syl. Pt. 2, *Perdue v. Coiner*, 156 W. Va. 467, 194 S.E.2d 657 (1973))). Accordingly, we find that the circuit court did not abuse its discretion in denying habeas relief.

For the foregoing reasons, we affirm.

Affirmed.

**ISSUED:** May 28, 2025

**CONCURRED IN BY:**

Chief Justice William R. Wooton  
Justice Elizabeth D. Walker  
Justice Tim Armstead  
Justice C. Haley Bunn  
Justice Charles S. Trump, IV