

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

Jerome Aldridge Jr.,
Petitioner Below, Petitioner

v.) No. 23-715 (Berkeley County No. CC-02-2022-C-75)

Jonathan Frame, Superintendent,
Mt. Olive Correctional Facility and Jail,
Respondent Below, Respondent

MEMORANDUM DECISION

Petitioner Jerome Aldridge Jr. appeals the November 30, 2023, order of the Circuit Court of Berkeley County denying his amended petition for a writ of habeas corpus.¹ The petitioner argues that trial counsel's failure to recommend whether to accept or reject the State's offered plea bargain constituted ineffective assistance of counsel. 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 *State v. Aldridge*, No. 19-1012, 2021 WL 195287 (W. Va. Jan. 20, 2021) (memorandum decision), this Court affirmed the circuit court's October 30, 2019, order sentencing the petitioner to nine months in jail for possession of marijuana and third-degree sexual assault, followed by an aggregate sentence of twenty-six to seventy-five years in prison for one count of delivery of marijuana to a minor; one count of delivery of marijuana; one count of first-degree sexual abuse; two counts of second-degree sexual assault; and two counts of third-degree sexual assault. *Id.* at *1.² In addition, the circuit court imposed a fifty-year period of supervised release following petitioner's release from prison and lifetime sexual offender registration. *Id.* at *3. The petitioner's victim was his fifteen-year-old female neighbor, whom he sexually abused and assaulted. *Id.* at *1.

¹ The petitioner appears by counsel Jason T. Gain, and the respondent 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.

² In affirming the petitioner's convictions and sentences, this Court rejected his arguments that certain counts violated double jeopardy principles, that certain sexual acts were ancillary to others, and that the circuit court erred in not instructing the jury on lesser-included offenses. *Id.* at *3-7.

In March 2022, the petitioner filed a petition for a writ of habeas corpus. The circuit court appointed habeas counsel, who filed an amended petition in September 2022. On August 2, 2023, the circuit court held an omnibus habeas corpus hearing, at which the petitioner and his trial counsel testified. Following the close of evidence, the petitioner acknowledged that he and trial counsel provided “conflicting testimony” but argued that counsel’s failure to recommend whether to accept or reject the State’s offered plea bargain constituted ineffective assistance of counsel.³ The respondent superintendent countered by arguing that the petitioner’s testimony at the habeas hearing undermined the petitioner’s credibility, and the plea negotiations in the criminal action were hampered by the petitioner’s refusal to plead guilty to a sex offense and his desire not to register as a sex offender. By order entered on November 30, 2023, the circuit court found that the petitioner’s testimony was “not credible and disingenuous[,] based upon both the underlying record and the testimony at the omnibus hearing[,]”⁴ and denied the amended petition for a writ of habeas corpus.⁵ The petitioner now appeals. We review the circuit court’s order “and the ultimate

³ The proposed plea agreement provided that the petitioner would serve four and a half to fifteen years of incarceration. However, the plea agreement further provided that the petitioner would plead guilty to a sex offense and register for life as a sex offender.

⁴ “[W]here there is a conflict of evidence between defense counsel and the defendant, the circuit court’s findings will usually be upheld.” *State ex rel. Daniel v. Legursky*, 195 W. Va. 314, 327, 465 S.E.2d 416, 429 (1995); see *State v. Guthrie*, 194 W. Va. 657, 669 n.9, 461 S.E.2d 163, 175 n.9 (1995) (“An appellate court may not decide the credibility of witnesses or weigh evidence as that is the exclusive function and task of the trier of fact.”).

⁵ The circuit court additionally found that the petitioner waived the following habeas claims at the omnibus hearing: (1) trial court lacked jurisdiction; (2) statute under which conviction obtained was unconstitutional; (3) indictment shows on its face that no offense was committed; (4) prejudicial pretrial publicity; (5) denial of right to a speedy trial; (6) involuntary guilty plea; (7) mental competency at the time of the crime; (8) mental competency at the time of trial; (9) incapacity to stand trial due to drug use; (10) language barrier to understanding the proceedings; (11) denial of counsel; (12) unintelligent waiver of counsel; (13) failure of counsel to take an appeal; (14) consecutive sentences for the same transaction; (15) coerced confessions; (16) suppression of helpful evidence by prosecutor; (17) State’s knowing use of perjured testimony; (18) falsification of transcript by prosecutor; (19) unfulfilled plea bargains; (20) erroneous information; (21) double jeopardy; (22) irregularities in arrest; (23) excessiveness or denial of bail; (24) lack of a preliminary hearing; (25) illegal detention prior to arraignment; (26) irregularities or errors in arraignment; (27) composition of the grand jury or its procedures; (28) failure to provide copy of indictment to defendant; (29) defects in indictment; (30) improper venue; (31) pre-indictment delay; (32) denial of continuance; (33) refusal to subpoena witnesses; (34) prejudicial joinder of defendants; (35) lack of a full public hearing; (36) non-disclosure of grand jury minutes; (37) refusal to turn over witness notes; (38) incompetence at time of the offense as opposed to time of trial; (39) use of informers to convict; (40) constitutional errors in evidentiary rulings; (41) jury instructions; (42) prejudicial statements by trial judge; (43) prejudicial statements by prosecutor; (44) sufficiency of evidence; (45) acquittal of a co-defendant on same charge; (46) defendant’s absence from part of proceedings; (47) improper communications between prosecutor or witnesses and jury; (48) question of actual guilt upon an acceptable guilty plea; (49) severer sentence than

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: June 26, 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

expected; (50) excessive sentence; (51) mistaken advice of counsel as to parole or probation eligibility; and (52) amount of time served on sentence (credit for time served).