

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

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

**Matthew Edward Corrigan,  
Petitioner Below, Petitioner**

**v.) No. 23-530 (Cabell County 22-C-316)**

**Shelby Searls, Superintendent,  
Huttonsville Correctional Center and Jail,  
Respondent Below, Respondent**

**MEMORANDUM DECISION**

The petitioner Matthew Edward Corrigan appeals the Circuit Court of Cabell County's August 9, 2023, order denying his petition for a writ of habeas corpus.<sup>1</sup> The petitioner argues that the trial court abused its discretion when it denied his petition for a writ of habeas corpus. 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).

On February 26, 2018, the petitioner was indicted on one count of first-degree robbery, one count of brandishing, and four counts of third-degree shoplifting. On or about October 23, 2018, the petitioner entered a no contest plea to first-degree robbery in exchange for the State dismissing all other charges. The parties also agreed that the petitioner would be sentenced to a sixty-year-term of imprisonment that would be suspended in favor of a ten-year-term of home incarceration and five years of probation, with the State recommending one year of supervised probation. The petitioner and the State further agreed that if he violated either his term of home incarceration or probation within the first fifteen years, he would be sentenced to sixty years of imprisonment. Ultimately, the circuit court accepted the petitioner's plea and sentenced him to the agreed upon sentence of sixty years of imprisonment, suspended pending completion of the ten year term of home incarceration and the five years of probation.

The petitioner began serving his term of home incarceration on October 23, 2018, pursuant to the terms and conditions of his plea agreement. However, in September 2019, the State filed a petition to revoke the petitioner's home incarceration pursuant to a positive random drug urinalysis on August 26, 2019. The petition also explained that the petitioner failed to comply with the terms

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<sup>1</sup> The petitioner is represented by counsel Juston H. Moore. The respondent appears by Attorney General John B. McCuskey and Assistant Attorney General Mary Beth Niday. Because a new Attorney General took office while this appeal was pending, his name has been substituted as counsel.

and conditions of his home incarceration when he allowed his ankle monitor to power off on two occasions; when he failed to comply with curfew on nineteen occasions; when he admitted to using methamphetamine, heroin, cocaine, and fentanyl on October 25, 2018; and when a drug screen revealed that he tested positive for drugs. By order dated October 21, 2019, the circuit court found that the petitioner violated the terms and conditions of his home incarceration, revoked his home incarceration, and imposed his original sentence of sixty years. The petitioner appealed, arguing that the circuit court erred in imposing the original sentence for a first-time violation. The Court affirmed the circuit court's order, finding that West Virginia's Home Incarceration Act was penal in nature and that a violation of the terms and conditions "results in the offender being subject to incarceration under the penalties prescribed for the crime." *See State v. Corrigan*, No. 19-1048, 2021 WL 1550239, at \*4 (W. Va. Apr. 20, 2021) (memorandum decision). The Court also found that the petitioner confirmed, at the plea hearing, that he understood that if he violated the terms and conditions of his home incarceration, the plea agreement provided that his original sentence would be imposed. *Id.*

In April 2023, the petitioner filed a petition for a writ of habeas corpus. The petitioner listed two grounds for relief: (1) an involuntary guilty plea as the result of ineffective assistance of counsel and (2) a failure by the circuit court to properly inform him of, and to make sure that he understood, all of the required information under Rule 11(c) and (d) of the West Virginia Rules of Criminal Procedure. By order dated August 9, 2023, the circuit court denied the petition, and the petitioner now appeals. We review the circuit court's 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:** September 10, 2025

**CONCURRED IN BY:**

Chief Justice William R. Wooton  
Justice C. Haley Bunn  
Justice Charles S. Trump IV  
Justice Thomas H. Ewing  
Senior Status Justice John A. Hutchison