

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

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

**William Spears,**  
**Petitioner below, Petitioner**

**v.) No. 23-555 (Ohio County 09-C-279)**

**Jonathan Frame, Superintendent,**  
**Mt. Olive Correctional Complex and Jail,<sup>1</sup>**  
**Respondent below, Respondent**

**MEMORANDUM DECISION**

Petitioner William Spears appeals the August 22, 2023, order of the Circuit Court of Ohio County denying his amended petition for a writ of habeas corpus.<sup>2</sup> The petitioner argues that the circuit court erred in failing to make findings of fact and conclusions of law regarding whether the evidence from the hotel room where the petitioner and his codefendant were apprehended should have been suppressed in the underlying criminal case due to an illegal search.

The Court has considered the parties' briefs and the record on appeal. The facts and legal arguments are adequately presented, and the decisional process would not be significantly aided by oral argument. This case satisfies the "limited circumstances" requirement of Rule 21(d) of the Rules of Appellate Procedure and is appropriate for a memorandum decision rather than an opinion. For the reasons expressed below, the decision of the circuit court is vacated, and this case is remanded with directions for the circuit court to enter a detailed and comprehensive order with findings of fact and conclusions of law sufficient to allow meaningful appellate review in the event that the petitioner elects to file an appeal.<sup>3</sup>

---

<sup>1</sup> The current superintendent has been substituted as the respondent. *See* W. Va. R. App. P. 41(c).

<sup>2</sup> The petitioner appears by counsel Jeremy B. Cooper, 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.

<sup>3</sup> As explained below, we also find that the circuit court's findings regarding its denial of the petitioner's motion to permit the hiring of a new expert on DNA evidence do not allow meaningful review of that issue either.

In July 2005, the petitioner was convicted in the underlying criminal action of three counts of first-degree murder, two counts of first-degree robbery, and one count of conspiracy. The circuit court sentenced him to three life terms of incarceration for his murder convictions, without the possibility of parole; 120 years of incarceration for each of his two robbery convictions; and one to five years of incarceration for the conspiracy conviction, to be served consecutively. Prior to trial, the circuit court had denied the petitioner's motion to suppress the evidence from the hotel room where he was apprehended, finding that (1) law enforcement reasonably relied upon the actual or apparent authority to consent to a search of the room of Karen Sue Neider, who was an accessory after the fact, and (2) even if valid consent was not obtained, the search of the hotel room was still lawful as incident to the arrest of the petitioner and his codefendant Jeffrey Ray Woods.

When the petitioner appealed his convictions to this Court, he argued that law enforcement violated his Fourth Amendment right to protection against unreasonable searches when officers conducted a search of the hotel room where the petitioner and Mr. Woods were staying. The petitioner relied upon *Georgia v. Randolph*, 547 U.S. 103 (2006), in which the United States Supreme Court held that a warrantless search is unreasonable and invalid as to an objecting co-occupant who is physically present when another co-occupant consents to a search of a premises. *Id.* at 106. This Court refused the petitioner's criminal appeal in November 2007,<sup>4</sup> and the United States Supreme Court denied certiorari in March 2008. *See Spears v. West Virginia*, 552 U.S. 1287 (2008).

In September 2009, the petitioner filed a petition for a writ of habeas corpus. The circuit court appointed various habeas counsel; the petitioner's present habeas attorney was appointed in September 2018. In November 2021, the petitioner filed a *Losh* checklist<sup>5</sup> and a supplement to his amended habeas petition.<sup>6</sup> The circuit court held an evidentiary hearing in October 2022, at which the petitioner and his trial counsel provided testimony. The circuit court denied the petitioner's habeas petition by order entered August 22, 2023. However, the circuit court's order failed to address whether the evidence from the hotel room where the petitioner and Mr. Woods were apprehended should have been suppressed at trial due to an illegal search. Regarding the petitioner's motion to permit the hiring of a new expert on DNA evidence,<sup>7</sup> the circuit court adopted and incorporated by reference the findings from a March 6, 2018, order from Mr. Woods' habeas proceeding, which addressed the DNA evidence in Mr. Woods' case instead of the petitioner's case.

---

<sup>4</sup> This Court's refusal of the petitioner's criminal appeal did not constitute a decision on the merits pursuant to the Syllabus of *Smith v. Hedrick*, 181 W. Va. 394, 382 S.E.2d 588 (1989).

<sup>5</sup> The checklist of grounds typically used in habeas corpus proceedings, usually referred to as the *Losh* checklist, originates from our decision in *Losh v. McKenzie*, 166 W. Va. 762, 277 S.E.2d 606 (1981), wherein we set forth the most common grounds for habeas relief. *See id.* at 768-70, 277 S.E.2d at 611-12.

<sup>6</sup> The petitioner's amended habeas petition was previously filed by former habeas counsel in May 2014.

<sup>7</sup> *See* note 3, *supra*.

The petitioner now appeals the circuit court's August 22, 2023, order denying his habeas petition. We have held that

West Virginia Code section 53-4A-7(c) (1994) requires a circuit court denying or granting relief in a habeas corpus proceeding to make specific findings of fact and conclusions of law relating to each contention advanced by the petitioner, and to state the grounds upon which the matter was determined.

Syl. Pt. 1, *State ex rel. Watson v. Hill*, 200 W. Va. 201, 488 S.E.2d 476 (1997).

On appeal, the petitioner argues that the circuit court entirely ignored the suppression issue except to deny relief on it. Therefore, the petitioner seeks a remand of this case to the circuit court for the entry of a detailed and comprehensive order to allow this Court to properly evaluate the denial of habeas relief, including his claim that the evidence from the search of the hotel room should have been suppressed. The respondent acknowledges that the circuit court's order is devoid of any legal discussion of the suppression issue but argues that the circuit court made factual findings relevant to that issue sufficient to allow this Court to conduct a meaningful appellate review.

Upon our review of the circuit court's order, we find that a remand is necessary. *See Province v. Province*, 196 W. Va. 473, 483, 473 S.E.2d 894, 904 (1996) ("Where the lower tribunal[ ] . . . mak[es] only general, conclusory or inexact findings[,] we must vacate the judgment and remand the case for further findings and development."); *Dennis v. State of W. Virginia, Div. of Corr.*, 223 W. Va. 590, 593, 678 S.E.2d 470, 473 (2009) ("We previously have recognized that 'in most circumstances the failure to make specific findings of fact and conclusions of law regarding an issue raised in habeas proceedings . . . necessitate[s] a remand[.]'" (quoting *State ex rel. Vernatter v. Warden, W. Virginia Penitentiary*, 207 W. Va. 11, 19, 528 S.E.2d 207, 215 (1999))); *State v. Joseph C.*, No. 19-0584, 2020 WL 5269751, at \*2 (W. Va. Sept. 4, 2020) (memorandum decision) (vacating the circuit court's order and remanding the case upon finding that the circuit court's order lacked "findings of fact and conclusions of law sufficient to allow meaningful appellate review"). We find that, in denying habeas relief on the suppression issue, the circuit court failed to provide "an explanation of the court's reasoning with respect to [its] ultimate conclusion," rendering this Court "unable" to determine the correctness of its decision. *Province*, 196 W. Va. at 483 n.19, 473 S.E.2d at 904 n.19.

While the parties' arguments focus on the adequacy of the circuit court's order as it relates to the suppression issue, we find that the circuit court's findings regarding its denial of the petitioner's motion to permit the hiring of a new expert on DNA evidence do not allow meaningful review of that issue either. In denying the motion, the circuit court adopted and incorporated by reference its findings from a March 6, 2018, order from Mr. Woods' habeas proceeding. Incorporating findings from an earlier order constitutes a proper method of providing a sufficient basis to allow for meaningful appellate review. *See State v. Redman*, 213 W. Va. 175, 179-80, 578 S.E.2d 369, 373-74 (2003). However, those incorporated findings must include "facts which the circuit court finds relevant, determinative of the issues[,] and undisputed." *Id.* at 178, 578 S.E.2d at 372 (quoting Syl. Pt. 3, in part, *Fayette Cnty. Nat'l Bank v. Lilly*, 199 W. Va. 349, 484 S.E.2d

232 (1997), *overruled on other grounds by Sostaric v. Marshall*, 234 W. Va. 449, 766 S.E.2d 396 (2014)).

The findings the circuit court incorporated from its March 2018 order did not address the DNA evidence in the petitioner's case. Instead, the findings addressed the DNA evidence in Mr. Woods' case. While the DNA issues are similar, there are differences between the two cases. The petitioner's case involves a t-shirt containing a mixture of DNA potentially from the petitioner, Mr. Woods, and/or one of the three victims.<sup>8</sup> Unlike in the petitioner's case, the circuit court found that, based on DNA from a second t-shirt, there was a positive identification of Mr. Woods in Mr. Woods' case with the DNA profile "occur[ring] in 1 in 1.15 quadrillion unrelated individuals." Due to the absence of a positive DNA identification in the petitioner's case, findings specific to the petitioner's case are necessary to permit meaningful appellate review of the DNA issue in his case. Therefore, we vacate the circuit court's August 22, 2023, order and remand this case with directions for the circuit court to enter a detailed and comprehensive order with findings of fact and conclusions of law sufficient to allow meaningful appellate review in the event that the petitioner elects to file an appeal.<sup>9</sup>

Vacated and Remanded with Directions.

**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

---

<sup>8</sup> This t-shirt also had DNA on it from another victim with a population frequency of approximately one in 23.5 trillion unrelated individuals.

<sup>9</sup> The petitioner raises additional assignments of error in this appeal involving the merits of the circuit court's denial of habeas relief; however, because the circuit court's order is currently inadequate to allow meaningful appellate review, we do not address those issues at this time.