**FILED**
**November 5, 2026**
C. CASEY FORBES, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

# STATE OF WEST VIRGINIA
# SUPREME COURT OF APPEALS

**Mariya Ajena Jones,**
**Petitioner Below, Petitioner**

**v.) No. 24-247** (Cabell County CC-06-2021-C-488)

**J.D. Sallaz, Superintendent,**
**Lakin Correctional Center and Jail,**
**Respondent Below, Respondent**

## MEMORANDUM DECISION

Petitioner Mariya Ajena Jones appeals the February 27, 2024, order of the Circuit Court of Cabell County denying her amended petition for a writ of habeas corpus.[1] The petitioner argues that the circuit court erred in denying her habeas relief because (1) the circuit court failed to evaluate the petitioner's mental competency to stand trial; (2) the circuit court erred in holding a joint trial; (3) the petitioner acted on trial counsel's erroneous advice and pled guilty to three counts of child abuse causing serious bodily injury at the beginning of trial; (4) trial counsel prevented the petitioner from testifying in her own defense; and (5) various errors by trial counsel cumulatively constituted ineffective assistance. 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).

The petitioner was the mother of a three-year-old child, whom she, along with her husband, Aaron Miles, found unresponsive in the bathroom of their home after having left the boy alone. Paramedics transported the child to the hospital but determined that he was dead by the time they arrived. The petitioner and Mr. Miles were indicted on numerous charges connected to the child's death as well as the neglect of other children in the home. At the beginning of a joint trial, the petitioner decided to plead guilty to three counts of child abuse causing serious bodily injury as an aider and abettor, and the circuit court accepted her guilty plea to those charges after finding that there was a factual basis for the plea. Subsequently, the petitioner chose not to testify at trial, while Mr. Miles testified in his defense. A jury found the petitioner and Mr. Miles guilty of various charges connected to the child's death, including murder of a child by a parent, guardian, or custodian, for which the petitioner was sentenced to a life term of incarceration without the

[1] The petitioner appears by counsel Bradley D. Dunkle. The respondent appears by Attorney General John B. McCuskey and Deputy Attorney General Andrea Nease. Because a new Attorney General took office while this appeal was pending, his name has been substituted as counsel.

possibility of parole. In *State v. Jones*, No. 18-0162, 2020 WL 1487802 (W. Va. Mar. 23, 2020) (memorandum decision), this Court found that the circuit court did not err in denying the petitioner's motion to sever the trial and affirmed her convictions. *Id.* at *1-2.

Subsequently, the petitioner filed a petition for a writ of habeas corpus. The circuit court appointed the petitioner counsel, who filed an amended petition, and the court later held an evidentiary hearing at which both the petitioner and her trial counsel testified. In a February 27, 2024, order denying the petitioner habeas relief, the circuit court initially found that there was no reason, based on the testimony provided in the habeas hearing, to question the petitioner's mental competency at trial. Next, the circuit court observed that this Court, in *Jones*, previously concluded that the circuit court did not err in denying the motion to sever the trial. Third, the circuit court determined that the petitioner's guilty pleas to the three counts of child abuse causing serious bodily injury at the beginning of the trial were "voluntarily, knowingly, and intelligently entered" based upon the petitioner's plea colloquy. Fourth, the circuit court found that the petitioner's claim that trial counsel prevented her from testifying was not credible, because it was not supported by the evidence. Finally, the circuit court rejected the petitioner's ineffective assistance of counsel claim, finding that (1) based upon trial counsel's testimony, counsel's performance was not deficient, and (2) even if trial counsel's performance were deficient in some way, the alleged deficiencies would not rise to the level of deficiency necessary to grant the petitioner relief.[2] The petitioner now appeals the circuit court's denial of the amended habeas petition. 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 her 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 [she] 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:** November 5, 2026

[2] The circuit court also rejected claims alleging sentencing errors and ex parte communications between the trial judge and the prosecutor in findings that the petitioner does not challenge on appeal.

**CONCURRED IN BY:**

Chief Justice C. Haley Bunn
Justice William R. Wooton
Justice Charles S. Trump IV
Justice H. L. Kirkpatrick
Justice James W. Flanigan