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

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

Christopher L.,
Petitioner Below, Petitioner

v.) No. 24-255 (Harrison County CC-17-2022-C-211)

Curtis Dixon, Superintendent,
Mt. Olive Correctional Complex and Jail,
Respondent Below, Respondent

MEMORANDUM DECISION

Petitioner Christopher L.[1] appeals the Circuit Court of Harrison County's March 26, 2024, order denying his petition for a writ of habeas corpus.[2] The petitioner challenges the findings of fact and conclusions of law made by the circuit court in denying his habeas petition. 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 May 2013, the Harrison County Grand Jury returned a four-count indictment charging the petitioner with incest; first-degree sexual assault; first-degree sexual abuse; and sexual abuse by a parent, guardian, or custodian. A jury trial commenced, and the jury returned a verdict of guilty on all four counts of the indictment. The petitioner was sentenced to 5 to 15 years of imprisonment for his conviction of incest; 25 to 100 years of imprisonment for his conviction of first-degree sexual assault; 5 to 25 years of imprisonment for his conviction of first-degree sexual abuse; and 10 to 20 years of imprisonment for his conviction of sexual abuse by a parent, guardian, or custodian, to be served consecutively. The petitioner appealed his conviction to this Court, arguing that the circuit court erred in denying his post-conviction motions for a new trial and a judgment of acquittal. This Court affirmed. *See State v. Christopher L.L.*, No. 14-0095, 2014 WL 5546350, at *5 (W. Va. Nov. 3, 2014) (memorandum decision).

[1] We use initials where necessary to protect the identities of those involved in this case. *See* W. Va. R. App. P. 40(e).

[2] The petitioner is represented by counsel Jason T. Gain. The respondent appears by Attorney General John B. McCuskey and Assistant Attorney General Sandra Walls. Because a new Attorney General took office while this appeal was pending, his name has been substituted as counsel. Additionally, the Court has automatically substituted the name of the current Superintendent of Mt. Olive Correctional Complex and Jail as the respondent. *See* W. Va. R. App. P. 41(c).

In November 2015, the petitioner filed a self-represented petition for a writ of habeas corpus. The circuit court appointed the petitioner counsel, who filed an amended petition and a *Losh* checklist.[3] Relevant to this appeal, the petitioner alleged that his trial counsel was ineffective. Following an evidentiary hearing held in October 2016, the circuit court denied the petitioner's petition for a writ of habeas corpus. The petitioner appealed, arguing that his habeas counsel was ineffective, and this Court affirmed the circuit court's order, instructing the petitioner that should he wish to pursue this claim, the appropriate course of action would be to file another petition for a writ of habeas corpus. *Christopher L.L. v. Ames*, No. 19-0007, 2020 WL 6053549, at *3 (W. Va. Oct. 13, 2020) (memorandum decision).

In 2022, the petitioner filed his second self-represented petition for a writ of habeas corpus. The circuit court appointed counsel, who filed an amended petition. The sole ground raised by the petition in the second habeas proceeding was habeas counsel was ineffective for failing to raise the ineffectiveness of trial counsel when trial counsel (1) failed to introduce the petitioner's work timesheets to establish an alibi, (2) failed to introduce evidence of an investigative questioning method known as the "Reid Technique" to call into question the veracity of the petitioner's statements to law enforcement, and (3) provided erroneous advice to the petitioner that sex offender treatment required an admission of guilt. Following an evidentiary hearing at which the petitioner was the sole witness, the circuit court denied the petitioner habeas relief. Specifically, the court found that the petitioner's claims were barred by res judicata. The court noted that the petitioner's claims regarding habeas counsel's ineffectiveness were actually variations on the theme of ineffective assistance of trial counsel, which was previously fully adjudicated in his first habeas petition. Nevertheless, the court addressed the merits of the petitioner's arguments and found that he failed to demonstrate that his prior habeas counsel was ineffective. 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).

On appeal, the petitioner argues that the habeas court erred in finding that his claims were barred by res judicata, finding that he should have called an expert in the "Reid Technique" at the omnibus hearing, and finding that prior habeas counsel and trial counsel were effective despite trial counsel's failure to file an invited motion to reduce sentence under Rule 35(b) of the West Virginia Rules of Criminal Procedure. Upon our review, we find that the petitioner is entitled to no relief. The circuit court thoroughly considered and addressed the petitioner's claims. 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) (quoting Syl. Pt. 2, *Perdue v. Coiner*, 156 W. Va. 467, 194 S.E.2d 657 (1973)) ("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

[3] The *Losh* checklist originates from our decision in *Losh v. McKenzie*, 166 W. Va. 762, 277 S.E.2d 606 (1981), wherein the Court set forth the most common grounds for habeas relief.

favor of the correctness of the proceedings and judgment in and of the trial court."). 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

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