

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
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Granted Appeal Summary

Case

ANDREW C. STEPHENS v. HAROLD CLARKE, DIRECTOR
(Record Number 190510)

From

Circuit Court for the City of Newport News; T. Fisher, Judge.

Counsel

Jonathan P. Sheldon (Sheldon & Flood, P.L.C.) for appellant.

Lauren C. Campbell (Office of the Attorney General) for appellee.

Assignments of Error

1. The circuit court erred when it found that trial counsel was not ineffective under the Virginia Constitution and the Sixth Amendment to the United States Constitution for failing to sufficiently investigate R.S.'s symptoms, consult with appropriate experts, and present the investigation, evidence, and expert opinions to the jury.
 - a. The circuit court erred when it failed to find trial counsel ineffective for failing to present the opinion of neurosurgeon Dr. Joseph Dilustro regarding the age and onset of R.S.'s brain bleeding.
 - b. The circuit court erred when it failed to find trial counsel ineffective for failing to present the opinion of an expert neurosurgeon regarding the age and onset of R.S.'s brain bleeding.
2. The circuit court erred when it found that trial counsel was not ineffective under the Virginia Constitution and the Sixth Amendment to the United States Constitution for failing to object to the Commonwealth's expert testifying to the ultimate issue in this case.