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# SUPREME COURT OF VIRGINIA



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January 4, 2010

The Honorable Henry L. Marsh, III  
Chairman, Senate Courts of Justice Committee  
General Assembly Building  
P.O. Box 396  
Richmond, VA 23218

The Honorable David B. Albo  
Chairman, House Courts of Justice Committee  
General Assembly Building  
P.O. Box 406  
Richmond, VA 23218

Dear Mr. Chairmen:

In accordance with Chapter 1024, clause 2 of the 2004 Acts of Assembly, below please find information for calendar year 2009 on the number of petitions filed for writs of actual innocence pursuant to Chapter 19.3 of Title 19.2 and the dispositions thereof.

- Two petitions were pending on January 1, 2009.
- Twenty-six petitions were filed in 2009.
- Twenty-three petitions were disposed of in 2009. The dispositions of those cases were as follows:
  - Twenty-one petitions were summarily dismissed.
  - Two petitions were dismissed following consideration of the Attorney General's response to the petition and petitioner's reply thereto.
- Five petitions were pending as of December 31, 2009. In one of these cases, a writ was granted, petitioner's convictions were vacated, and the matter was remanded to the circuit court to modify the conviction order. However, the court subsequently granted the Commonwealth's petition for rehearing *en banc* and stayed the order granting the writ. The case is scheduled to be reheard before the full Court on January 26, 2010.

If you have any questions regarding this report, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "KR HADE".

Karl R. Hade

cc: Division of Legislative Automated Systems  
Cynthia L. McCoy, Clerk of the Court of Appeals of Virginia