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KARL R. HADE

**ASSISTANT EXECUTIVE SECRETARY &
LEGAL COUNSEL**
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EDUCATIONAL SERVICES
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SUPREME COURT OF VIRGINIA



OFFICE OF THE EXECUTIVE SECRETARY
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219-2334
(804) 786-6455

JUDICIAL INFORMATION TECHNOLOGY
MICHAEL J. RIGGS, SR., DIRECTOR

JUDICIAL PLANNING
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KRISTI S. WRIGHT, DIRECTOR

MAGISTRATE SERVICES
JONATHAN E. GREEN, DIRECTOR

January 4, 2021

The Honorable John S. Edwards
Chair, Judiciary Committee
Senate of Virginia
P.O. Box 1179
Roanoke, Virginia 24006-1179

The Honorable Charniele L. Herring
Chair, Courts of Justice Committee
Virginia House of Delegates
P.O. Box 11779
Alexandria, VA 22312

Dear Chairs Edwards and Herring:

In accordance with Chapter 1024, enactment clause 2, of the 2004 Acts of Assembly, please find below information on the number of petitions for writs of actual innocence filed pursuant to Chapter 19.3 of Title 19.2, and the dispositions thereof, for calendar year 2020.

- Thirteen petitions were pending on January 1, 2020.
- Twenty-four petitions were filed in 2020.
- Twenty-five petitions were disposed of in 2020. The dispositions of those cases were as follows:
 - Twenty-one petitions were summarily dismissed.
 - One petition was dismissed following consideration of the Attorney General's response to the petition and petitioner's reply thereto, if any.
 - Two petitions were dismissed following consideration of the Attorney General's response to the petition and petitioner's reply thereto, if any, and the circuit court's findings of fact.
 - One writ was issued, and the convictions vacated.
- Twelve petitions are pending as of December 31, 2020.

Chapters 993 and 994 of the 2020 Virginia Acts of Assembly amended the Code of Virginia expanding writs of actual innocence. These identical Acts became effective July 1, 2020, during the public health emergency created by COVID-19. In many types of cases, the pandemic has reduced the number of petitions filed. It is anticipated that the filing of actual innocence petitions will increase significantly in the future upon the

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resolution of the pandemic and the sharing of information on the expansion of these writs.

If you have any questions regarding this report, please do not hesitate to contact me. With best wishes, I am

Very truly yours,

Handwritten signature of Karl R. Hade in black ink.

Karl R. Hade

KRH:jrp

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