

SUPREME COURT OF VIRGINIA



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

Case

CONRAD BURKE v. STANLEY YOUNG, ET AL.
(Record Number 200095)

From

The Circuit court of Tazewell County; R. Patterson, Judge.

Counsel

Conrad Burke, pro se, for appellant.

Ann-Marie Catherine White (Office of the Attorney General) for appellees.

Assignments of Error

1. The circuit court erred in holding that there are and were no genuine facts in dispute when there clearly is a genuine dispute of facts for a jury to decide the outcome of this matter yet this Honorable Court of Tazewell County granted the defendant summary judgment in this case which was in direct conflict with procedures and relevant law of the Virginia state judicial system.
2. The circuit court erred by not holding an evidentiary hearing to review camera footage which would have further bolstered the appellant's claims and furthering the fact to which the evidence would show that the defendants are not and were not eligible for summary judgment due to the improperly applied restraints causing the appellant further suffering due to the fact that Burke was not able to drink water, eat or to be able to relieve himself, unassisted for a long period of time with NO breaks to do so.
3. The circuit court erred by not considering evidence and medical records to which material facts arose due to numbness in feet and hands from the improperly placed restraints and no foot coverings on a cold concrete floor for an excessive amount of time. The court also erred due to the fact that Burke was stripped naked with only his underwear in a very cold cell for an excessive amount of time. This information was put in an affidavit to the trial court which did in fact give more genuine facts in this case for a jury to decide.
6. The circuit court erred by granting summary judgment stating, "the restraints were properly applied and the situation warranted the use of force." This information was for a jury to decide

and not for the Honorable Judge to decide as per Virginia Code and relative law governing such issues.

8. The circuit court erred by making a ruling on the evidence in which was not part of his duties as this is the duty of the jury.