

# SUPREME COURT OF VIRGINIA



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

### **Case**

ANDREW SCHMUHL v. HAROLD CLARKE, DIRECTOR  
(Record Number 211114)

### **From**

The Circuit Court of Fairfax County.

### **Counsel**

Bernadette M. Donovan, Matthew L. Engle (Donovan & Engle, PLLC) for appellant.

Katherine Q. Adelfio (Office of the Attorney General) for appellee.

### **Assignment of Error**

1. The circuit court erred in denying Schmuhl an evidentiary hearing on his claim that trial counsel provided ineffective assistance of counsel when they mishandled Schmuhl's only defense.
2. The circuit court erred in finding that trial counsel's mishandling of Schmuhl's only defense was the result of a strategic decision.
3. The circuit court erred in concluding that trial counsel did not perform deficiently when they mishandled Schmuhl's only defense.
4. The circuit court erred in concluding that trial counsel's deficient performance did not prejudice Schmuhl.