

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
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Granted Appeal Summary

Case

COMMONWEALTH OF VIRGINIA v. DAVID MICHAEL JACKSON
(Record Number 240843)

From

The Court of Appeals of Virginia.

Counsel

Anna M. Hughes (Office of the Attorney General) for appellant.

Eric Weathers (Virginia Indigent Defense Commission) for appellee.

Assignments of Error

- I. The Court of Appeals erred by finding that the trial court explicitly linked Jackson's failure to accept responsibility to his decision to contest his technical violations and gave that factor significant weight when rendering its sentence where it fixated on isolated statements, failed to view the evidence in the light most favorable to the Commonwealth, and ignored the presumption that the trial court knows and applies the law properly.
- II. The Court of Appeals erred to the extent that it determined that Jackson's decision to contest his technical violations could not be considered in any way in determining his sentence and that the trial court punished Jackson for exercising his right to trial merely because it refused to "reward" him with mitigation "credit" for accepting responsibility.
- III. The Court of Appeals erred in failing to reach the Commonwealth's harmless error argument and in failing to find any error harmless.