

# SUPREME COURT OF VIRGINIA



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

### **Case**

JUSTIN ANDRA LITTLE v. HAROLD CLARKE, DIRECTOR VIRGINIA DEPARTMENT  
OF CORRECTIONS  
(Record Number 220249)

### **From**

The Circuit Court of the City of Norfolk; D. Lannetti, Judge.

### **Counsel**

Matthew Engle (Donovan & Engle, PLLC) for appellant.

Craig W. Stallard (Office of the Attorney General) for appellee.

### **Assignments of Error**

1. The lower court erred in granting the Respondent's Motion to Dismiss Mr. Little's Petition for a Writ of Habeas Corpus without hearing oral argument, permitting any discovery, or taking evidence.
2. The lower court erred in finding that Mr. Little's false evidence claim is procedurally barred.
3. The lower court failed to consider Mr. Little's argument that any procedural default of the false evidence claim was excused by cause and prejudice.
4. The lower court erred in finding that the [sic] "an attorney's statement is not evidence" for purposes of Mr. Little's false evidence claim.
5. The lower court erred in holding that the Commonwealth did not knowingly present false evidence.
6. The lower court erred in applying the incorrect legal standard and holding that the Commonwealth's false evidence was not material.

