

# SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING  
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## **Granted Appeal Summary**

### **Case**

TONY JACOB THOMAS v. COMMONWEALTH OF VIRGINIA  
(Record Number 230403)

### **From**

The Court of Appeals of Virginia.

### **Counsel**

T. Brooke Howard, II (Howard, Clark and Howard) for appellant.

Lindsay M. Brooker (Office of the Attorney General) for appellee.

## **Assignments of Error**

1. The Court of Appeals erred in finding that the court adhered to the formalities of Va. S. Ct. R. 3A:8(c), when appellant merely tendered the first proposed plea on 1-22-20 without having been properly arraigned on the crime for which said plea was tendered, and as such, no valid plea wast [sic] entered, accepted or adjudicated by the Court. Therefore, the parties were free to amend their plea agreement in accordance with contract principles and the Commonwealth's inherent duty to issue and prosecute indictments.

1(a). The Court of Appeals erred in applying the doctrine of approbate and reprobate when it found the court properly arraigned the defendant under a properly amended indictment pursuant to the first proposed plea, resulting in any valid plea attempt being void and invalid, as said doctrine is mutually exclusive from the requisite and necessary particularities of arraigning and adjudicating a criminal offense.

1(b). The Court of Appeals erred in finding that the parties were free to re-negotiate and amend their positions, as it erroneously deemed the unaccepted and unadjudicated plea under advisement.