

# SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING  
100 NORTH NINTH STREET  
RICHMOND, VIRGINIA 23219  
(804) 786-2259

## **Granted Appeal Summary**

### **Case**

RANDY DWAYNE ROSS v. COMMONWEALTH OF VIRGINIA  
(Record Number 181530)

### **From**

The Court of Appeals of Virginia.

### **Counsel**

Glenn L. Berger (Berger & Thornhill) for appellant.

Eugene P. Murphy (Office of the Attorney General) for appellee.

### **Assignments of Error**

1. The trial court erred when it failed to recognize a lengthy term-of-years sentence as the functional equivalent of a life sentence without parole. The Court of Appeals erred when it affirmed.
2. The trial court erred when it refused to distinguish the holding of *Angel v. Commonwealth* in light of *Miller v. Alabama* and *Montgomery v. Louisiana*. The Court of Appeals erred when it affirmed.
3. The trial court erred when it sentenced the defendant to the functional equivalent of a life sentence without parole for a non-homicide offense in contravention of *Graham v. Florida*. The Court of Appeals erred when it affirmed.
4. The trial court erred when it sentenced Randy Ross to the functional equivalent of a life sentence without parole and failed to find that Randy Ross was irreparably incorrigible as required by *Miller v. Alabama* and *Montgomery v. Louisiana*. The Court of Appeals erred when it affirmed.