

# SUPREME COURT OF VIRGINIA



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

### **Case**

JONATHAN DOUGLAS MCMULLEN v. HAROLD W. CLARKE, DIRECTOR  
(Record Number 24044)

### **From**

Circuit Court of Charles City County; B. Elliott Bondurant, Judge.

### **Counsel**

David B. Hargett (Hargett Law, PLC) for appellant.

Liam A. Curry (Office of the Attorney General) for appellee.

## **Assignments of Error**

1. The circuit court erred in ruling that Claim J (regarding sentencing) should be dismissed for failure to show deficient performance or prejudice as a result.
2. On deficient performance, the court also erred by ruling that the Petitioner failed to allege how his counsel's remarks constituted deficient performance, by ruling that counsel was telling the jury that credit for good time no longer exits [sic] in Virginia, and by ruling that counsel's arguments about good time were somehow part of counsel's strategy.
3. As for prejudice, the court also erred by ruling that the Petitioner had not articulated how he was prejudiced, and by ruling that the sentence was based on aggravating factors without recognizing that the jury reasonably likely would impose a greater sentence than what they otherwise would have imposed.
4. The circuit court erred in refusing to hold an evidentiary hearing on Claim J to the extent necessary.