

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
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Granted Appeal Summary

Case

ROSCOE JAMES SHAW v. COMMONWEALTH OF VIRGINIA
(Record Number 240212)

From

The Court of Appeals of Virginia.

Counsel

Bradley R. Haywood, Allison H. Carpenter (Office of the Public Defender) for appellant.

Jason S. Miyares, Virginia B. Theisen, Tanner M. Russo (Office of the Attorney General) for appellee.

Assignments of Error

1. The Court of Appeals erred in affirming the trial court's finding that mental health evidence, offered under Virginia Code § 19.2-271.6, that has the tendency to negate multiple intent elements, is "speculative" and therefore inadmissible.
2. The Court of Appeals erred in affirming the trial court's exclusion of mental health evidence, offered under Va. Code § 19.2-271.6, on account of it not being sufficiently conclusory or exculpatory, was error in that it was an issue not of admissibility, but of weight, which was the province of the jury.
3. The Court of Appeals erred in affirming the trial court's exclusion of mental health evidence by applying a de novo standard of review which disregarded the trial court's findings of fact and flawed legal analysis.