

SUPREME COURT OF VIRGINIA



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

Case

JOHN CRIDLER-SMITH v. HAROLD CLARKE, DIRECTOR OF THE DEPARTMENT OF CORRECTIONS
(Record Number 230450)

From

The Circuit Court of Loudoun County.

Counsel

John Cridler-Smith (Pro Se).

Victoria Johnson (Office of the Attorney General) for appellee.

Assignments of Error

Loudoun County Circuit Court erred [sic] in dismissing the following claims:

1. A(1) claims that Mr. Kartchner “Gave egregious advice without due diligence.” Court recognizes the unsuccessful strategy was based on Petitioner’s stated objectives but Strickland v. Washington court mandates that counsel has a duty to investigate. Without an independent investigation apart from Petitioner’s stated objectives, Kartchner’s advise [sic] was deficient.
2. B(1)(c) and B(4)(c). In June 6, 2022, the court determined that the statements were part of plea agreement. “Despite the Attorney General’s argument, the record reflects that the parties were quasi-negotiating a plea agreement at the time of Petitioner’s statement.” (Page 16, June 6, 2022 order). And [sic] “It is reasonable to characterize Petitioner’s statements as made in connection with an offer to plead guilty.” (Pg. 17). Petitioner should have been granted relief of [sic] those determinations. Therefore, there was no real need to investigate into Mr. Griffith’s subjective or objective reasoning. Then on January 3, 2023, the court misapplied Respondent’s citation of Cullen v. Pinholster because [the] Pinholster court reflects the deference [sic] that a higher court must have on a lower court whereas Petitioner’s claims are in its initial state.