

# APPENDIX A-E

## VIRGINIA:

*In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Monday the 15th day of July, 2019.*

Eugene Williams,

Appellant,

against            Record No. 180820  
                          Circuit Court No. 18-1747

Harold W. Clarke, Director,  
Department of Corrections,

Appellee.

From the Circuit Court of the City of Norfolk

Upon review of the record in this case and consideration of the argument submitted in support of the granting of an appeal, the Court is of the opinion there is no reversible error in the judgment complained of. Accordingly, the Court refuses the petition for appeal.

A Copy,

Teste:

Douglas B. Robelen, Clerk

By:



Deputy Clerk

APPENDIX A

**VIRGINIA:**

*In the Court of Appeals of Virginia on Tuesday the 3rd day of September, 2013.*

Eugene Williams, Jr.,

Appellant,

against

Record No. 1987-12-1

Circuit Court Nos. CR07004099-01, CR08001973-01, CR11002852-00,  
CR11002855-01, CR11003927-00, CR11003927-01  
and CR12000535-01

Commonwealth of Virginia,

Appellee.

From the Circuit Court of the City of Norfolk

Before Judges Petty, Chafin and Senior Judge Annunziata

For the reasons previously stated in the order entered by this Court on June 18, 2013, the petition for appeal in this case hereby is denied.

This order shall be certified to the trial court.

A Copy,

Teste:

Cynthia L. McCoy, Clerk

By:

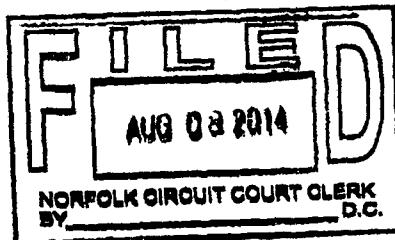
*Mary E Johnson*

Deputy Clerk

RECEIVED THIS 11 DAY OF August 2014  
YEAR 2014 FROM THE COURT OF APPEALS OF VIRGINIA  
AND IS HERE ENTRUSTED OF RECORD.

*J/RD/jh*

John R. Doyle, III, Judge



VIRGINIA:

*In the Supreme Court of Virginia held at the Supreme Court Building in the  
City of Richmond on Tuesday the 29th day of October, 2013.*

Eugene Williams, Jr.,

Appellant,

against Record No. 131123

Court of Appeals No. 1987-12-1

Commonwealth of Virginia,

Appellee.

From the Court of Appeals of Virginia

Upon consideration of the pleadings and record in this case,  
the Court dismisses the appeal filed on July 15, 2013 as premature.

A Copy,

Teste:

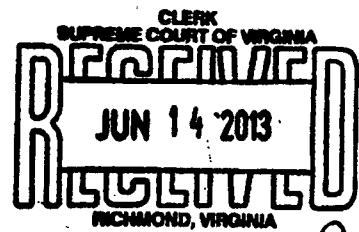
*Patricia L. Hambrick*

Clerk



Appendix C

In the Supreme Court of Virginia



EUGENE WILLIAMS JR., No. 1098034  
petitioner

v.

*He*  
DIRECTOR OF DEPARTMENT OF CORRECTIONS  
respondent

Record No. \_\_\_\_\_

Petition for Writ of Habeas Corpus



VIRGINIA:

*In the Supreme Court of Virginia held at the Supreme Court Building in the  
City of Richmond on Wednesday the 13th day of November, 2013.*

Eugene Williams, Jr., No. 1098034,

Petitioner,

against Record No. 130959

Director of the Department  
of Corrections,

Respondent.

Upon a Petition for a Writ of Habeas Corpus

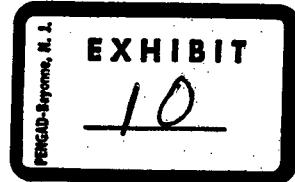
Upon consideration of the petition for a writ of habeas corpus filed June 14, 2013, the rule to show cause, and the respondent's motion to dismiss, the Court is of the opinion that the motion should be granted and the writ should not issue.

Petitioner was tried by a jury and convicted in the Circuit Court of the City of Norfolk of murder, breaking and entering in the nighttime while armed, grand larceny and two counts of use of a firearm in the commission of a felony, and was sentenced to life plus thirty-eight years' imprisonment. Petitioner's previously suspended sentence of twenty-three years was also revoked. Petitioner did not appeal his convictions or revocation, and he now challenges the legality of his confinement pursuant to his convictions and revocation.

In claim (A)(1), petitioner contends he was denied the effective assistance of counsel because counsel failed to file the motions requested by petitioner.

The Court holds that claim (A)(1) satisfies neither the "performance" nor the "prejudice" prong of the two-part test enunciated in Strickland v. Washington, 466 U.S. 668, 687 (1984).

Appendix D



Petitioner has failed to articulate what motions counsel should have filed and how such motions would have affected the outcome of his criminal trial. Thus, petitioner has failed to demonstrate that counsel's performance was deficient or that there is a reasonable probability that, but for counsel's alleged errors, the result of the proceeding would have been different.

In claim (A) (2), petitioner contends he was denied the effective assistance of counsel because counsel failed to conduct a thorough pretrial investigation or raise an issue about phone records.

The Court holds that claim (A) (2) satisfies neither the "performance" nor the "prejudice" prong of the two-part test enunciated in Strickland. Petitioner has failed to articulate what further pretrial investigation counsel should have pursued, and has failed to articulate what issue should have been raised about which phone records. The record, including the petitioner's exhibit H-1, demonstrates that petitioner never asked counsel to raise issues about either petitioner's cell phone or jail phone records prior to trial. Thus, petitioner has failed to demonstrate that counsel's performance was deficient or that there is a reasonable probability that, but for counsel's alleged errors, the result of the proceeding would have been different.

In claim (A) (3), petitioner contends he was denied the effective assistance of counsel because counsel "failed to investigate the nature of the evidence presented in the file submitted by prior counsel (affidavits, search warrants)."

The Court holds that claim (A) (3) satisfies neither the "performance" nor the "prejudice" prong of the two-part test

VIRGINIA:

*In the Supreme Court of Virginia held at the Supreme Court Building in the  
City of Richmond on Tuesday the 21st day of January, 2014.*

Eugene Williams, Jr., Appellant,

against Record No. 131556  
Court of Appeals No. 1987-12-1

Commonwealth of Virginia, Appellee.

From the Court of Appeals of Virginia

Upon consideration of the record and the pleadings filed in this case, the Court finds that, as it pertains to assignment of error no. 6, the petition for appeal fails to comply with the requirements of Rule 5:17(c)(1)(iii), as this assignment of error does not address the Court of Appeals ruling in Eugene Williams, Jr. v. Commonwealth of Virginia, Court of Appeals No. 1987-12-1, from which an appeal is sought.

Upon further consideration whereof, with regard to assignments of error nos. 1 through 5 and 7 through 10, the Court is of the opinion there is no reversible error in the judgment complained of.

Accordingly, as it pertains to assignment of error no. 6, the petition for appeal is dismissed. As it pertains to the remaining assignments of error, the appeal is refused.

The Circuit Court of the City of Norfolk shall allow court-appointed counsel the fee set forth below and also counsel's necessary direct out-of-pocket expenses. And it is ordered that the Commonwealth recover of the appellant the costs in this Court and in the courts below.



Costs due the Commonwealth  
by appellant in Supreme  
Court of Virginia:

Attorney's fee      \$850.00 plus costs and expenses

A Copy,

Teste:

Patricia L. Harrington, Clerk

By:

  
Patricia L. Harrington, Clerk  
Deputy Clerk

VIRGINIA:

In the Circuit Court of the City of Norfolk  
On the 2<sup>nd</sup> day of March 2018

**EUGENE WILLIAMS, JR.**

Petitioner

vs.

Docket No. CL18001747-00

File Nos. CR07-4099-01, CR08-1973-01,  
CR11-2852-00-01, CR11-3927-00-01,  
CR12-535-01

**HAROLD W. CLARKE, DIRECTOR**

Respondent

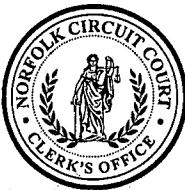
ORDER

This day came the petitioner, by mail, and tendered her petition for a **Writ of Habeas Corpus** and the Court having examined the petition for a **Writ of Habeas Corpus**; it is ORDERED that the same be filed. The Petitioner has moved this Court, by sworn application, to proceed in forma pauperis in a **Writ of Habeas Corpus** and the Court, having perused the Petitioner's application, doth hereby grant him leave to proceed in forma pauperis pursuant to Section 17.1-606, Code of Virginia of 1950, as amended, without having to pay the court costs or filing fees.

It is ORDERED that the Office of the Attorney General file a response to the petition within forty (40) days from this date.

Let the Clerk send a copy of this order to the **Office of the Attorney General and the Petitioner.**

Copy Teste:  
George E. Schaefer, Clerk  
Norfolk Circuit Court  
BY *Telisa Gunter*  
Telisa Gunter, Deputy Clerk  
Authorized to sign on behalf  
of George E. Schaefer, Clerk  
Date: March 09, 2018



Entered:

JOHN R. DOYLE, III, JUDGE

3-7-18  
✓ JRD

Office of  
**GEORGE E. SCHAEFER**  
Clerk of the  
Circuit Court  
Norfolk, Virginia

TAG

**Additional material  
from this filing is  
available in the  
Clerk's Office.**