

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Thursday the 28th day of February, 2019.

Gregory Richardson, No. 1072973,

Petitioner,

against

Record No. 180182

Superintendent of Piedmont Regional Jail,

Respondent.

Upon a Petition for a Writ of Habeas Corpus

Upon consideration of the petition for a writ of habeas corpus filed February 2, 2018, the rule to show cause, the respondent's motion to dismiss, and petitioner's reply, the Court is of the opinion that the motion should be granted and the writ should not issue.

Petitioner, a sexually violent predator, was civilly committed by the Circuit Court of the City of Richmond for an indefinite period in April 2010. Petitioner filed a petition for a writ of habeas corpus challenging his confinement pursuant to his civil commitment and was granted a belated appeal, which was ultimately unsuccessful, and his remaining claims were dismissed with prejudice. Petitioner was recommitted following an annual review in November 2014, and this Court dismissed petitioner's appeal from that decision, holding the petition for appeal was not timely filed. In February 2014, while civilly committed, petitioner was convicted in the Circuit Court of Nottoway County of two misdemeanor counts of indecent exposure and was sentenced to twenty-four months' imprisonment. His subsequent appeals to the Court of Appeals of Virginia and to this Court were unsuccessful. In January 2016, petitioner was convicted in the Circuit Court of Nottoway County of indecent exposure, a felony third offense, and was sentenced to five years' imprisonment with four years suspended. On March 7, 2017, the Court of Appeals of Virginia reversed petitioner's felony indecent exposure conviction, holding the circuit court erred in finding petitioner consented to waive his jury trial rights and to proceed with a bench trial. The Commonwealth has not retried petitioner on that charge.

On November 6, 2015, the circuit court granted petitioner's motion to appoint counsel and continued his fourth annual review hearing until January 6, 2016. On the date of the scheduled hearing, the court entered a consent order, signed by petitioner's counsel, that deferred the annual review hearing pursuant to Code § 37.2-919(B), which provides, in cases where an