

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

WILL LEE CARTER, PETITIONER

vs.

COMMONWEALTH OF VIRGINIA, RESPONDENT.

On Petition for a Writ of Certiorari to
The Supreme Court of Virginia

APPENDIX

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*Attorney for the Petitioner
& Counsel of Record*

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VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Monday the 26th day of September, 2022.

Will Lee Carter,

Appellant,

against Record No. 220002
 Circuit Court No. CL21000025-00

Commonwealth of Virginia,

Appellee.

From the Circuit Court of Pittsylvania County

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

The said circuit court 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 court below.

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

Attorney's fee \$950.00 plus costs and expenses

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By:

Muriel Theresa Pitney

Deputy Clerk

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF PITTSYLVANIA

Civil Division

COMMONWEALTH OF VIRGINIA,)	
Petitioner)	
)	Case No.: CL21000025-00
v.)	
)	
WILL LEE CARTER,)	
Respondent.)	

FINAL ORDER OF
TRIAL AND COMMITMENT

On October 5, 2021, came the Petitioner, by counsel, and the Respondent, in person and by his attorney, and a jury trial was held on the petition to civilly commit the Respondent as a sexually violent predator pursuant to Virginia Code § 37.2-908.

UPON CONSIDERATION of the evidence, the Jury unanimously found by clear and convincing evidence that:

1. the Respondent has been convicted of a sexually violent offense as defined by Virginia Code § 37.2-900;
2. the Respondent has a mental abnormality and/or personality disorder within the meaning of Virginia Code § 37.2-900; and
3. because of his mental abnormality and/or personality disorder, the Respondent finds it difficult to control his predatory behavior, which makes him likely to engage in sexually violent acts; therefore,
4. the Respondent is a sexually violent predator.

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FURTHERMORE, upon consideration of the evidence submitted and the arguments of counsel, and pursuant to Virginia Code § 37.2-908(D) and § 37.2-912, the Court finds by clear and convincing evidence that alternatives to involuntary secure inpatient treatment and hospitalization are unsuitable and that there is no less restrictive alternative to involuntary secure inpatient treatment and hospitalization, it is therefore

ADJUDGED, ORDERED AND DECREED:

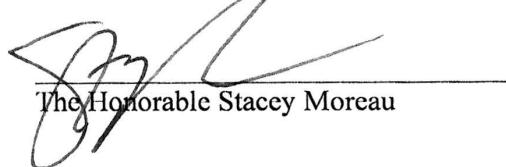
- A. That the Respondent Will Lee Carter be committed to the custody of the Department of Behavioral Health and Developmental Services (“DBHDS”) for appropriate treatment and confinement in a secure facility designated by the Commissioner of DBHDS;
- B. That the Virginia Department of Corrections (“VDOC”) shall return the Respondent to his place of confinement to be finally processed and shall transport the Respondent to a secure facility designated by the Commissioner of DBHDS;
- C. That the Commissioner of DBHDS, and the employees and staff of the secure facility designated by the Commissioner may share the Respondent’s treatment and confinement status, information, plans, progress, and compliance with the Office of the Attorney General and Respondent’s counsel;
- D. That the Respondent’s first annual review shall be held on 10/4/21, at 9:00 AM, to consider the Respondent’s need for further hospitalization and treatment. If practicable, the Commonwealth’s expert and the Respondent shall appear at the hearing via videoconference in accordance with Virginia Code 37.2-910(A);

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- E. That the Commissioner of DBHDS shall provide a report to the Court, the Office of the Attorney General, and the Respondent's attorney, at least sixty (60) days prior to the annual review hearing re-evaluating the Respondent's condition and recommending treatment pursuant to Virginia Code § 37.2-910(B);
- F. That the appointment of counsel for the Respondent is deemed continuing in nature;
- G. That the Respondent remains under the jurisdiction of this Court and shall not be released from the custody of the Commissioner of DBHDS and inpatient treatment and hospitalization without further Order of this Court.

It is further ORDERED that the Clerk shall fax an attested copy of this Order to the Office of the Attorney General (fax #: 804.692.1098) and shall mail an attested copy of this Order to counsel for the Respondent, the Director of the VDOC, the Commissioner of DBHDS, and the Central Criminal Records Exchange, Post Office Box 27472, Richmond, Virginia 23261, and shall note the date of such mailing.

Entered: 10/15/2021



The Honorable Stacey Moreau

Endorsements of counsel are on the following page.

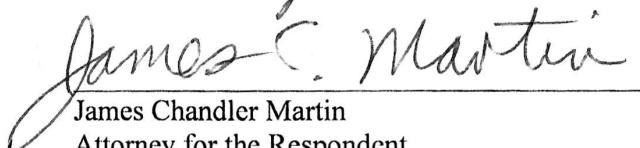


I ASK FOR THIS:



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Counsel for Petitioner

SEEN AND objected to for the reasons stated in court



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VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Monday the 21st day of November, 2022.

Will Lee Carter, Appellant,

against Record No. 220002
Circuit Court No. CL21000025-00

Commonwealth of Virginia, Appellee.

Upon a Petition for Rehearing

On consideration of the petition of the appellant to set aside the judgment rendered herein on September 26, 2022 and grant a rehearing thereof, the prayer of the said petition is denied.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By: 

Deputy Clerk