

NO. 25-867

IN THE SUPREME COURT OF THE UNITED STATES

Joseph Walters,¹ Director, Virginia Department of Corrections

v.

Christopher Coleman

OPPOSITION TO CERTIORARI

This Court should deny the petition for certiorari because none of the Director's reasons accord with Rule 10(a) and the outcome of this case was demonstrably correct. The Director is simply asking for error correction. While the Director attempts to present error correction as attractive in this case, the Director is unfortunately, and badly, missing the forest for the trees.

¹ As the Director knew was impending when he filed, Joseph Walters replaced Dotson as Director on January 17, 2026, the day after filing (and Attorney General Jay Jones replaced Miyares that same day, thus the rush to file).

The substance of this case—the equities and the fairness—is told in two short documents: the transcript of Coleman’s sentencing and the transcript of Coleman’s state habeas hearing where Coleman presented the evidence that should have been presented at his sentencing. The Director omits these from his appendix, but they may be found in the USCA4 JA at 549 and 848. The Director also omits that he wrote the error filled state court decision that he defends here, and the state court habeas judge signed it without making any corrections.

It is now undisputed that Coleman was injured in a rocket attack in Kandahar, Afghanistan, while serving in the army, his second serious injury in the army. Coleman was transported to Qatar for treatment, then to Germany and eventually to Womack Army Medical Center, where his medical care continued. A few weeks after his release from Womack, on March 17, 2011, Coleman committed two crimes in neighboring jurisdictions. In the first, in Roanoke County, Coleman accidentally shot a female acquaintance. The police responded, interviewed the victim, her mother, and Coleman, and then arrested Coleman, who was released on bond hours later. Later that day, Coleman committed an assault in a bar in the City of Roanoke.

Prior to sentencing, Coleman’s trial counsel knew two things of import: that he would focus on Coleman’s military service and PTSD and traumatic brain injuries (“TBI”) and his lack of any criminal history and that the probation officer erroneously thought that Coleman had a juvenile criminal history and that Coleman lied about it. Because trial counsel failed to obtain easily obtainable evidence of the military injuries and the lack of any criminal record, including no juvenile record, the sentencing judge wrongly concluded three things: 1) that Coleman was not injured in the military; 2) that Coleman had a juvenile criminal record; and 3) that Coleman was lying to the court about both when he testified at his own sentencing. The trial court held one sentencing hearing, a *joint* sentencing hearing for Coleman’s City and County charges, and sentenced Coleman to an outrageous forty-six years in prison with seventeen years suspended, leaving twenty-nine years to serve in prison—more than three times the high end of his *incorrect* guidelines (the guidelines were inflated because of the inclusion of an erroneous juvenile criminal history).

The state habeas evidentiary hearing showed that not only did Coleman suffer from serious injuries, a TBI and PTSD, but that he was

a war hero. The state habeas hearing also showed not only that Coleman had no juvenile history, but that he was accurate and honest in his entire testimony to the sentencing court. The Director knew then that Coleman's sentence was unjust and that Coleman deserved a new sentencing hearing, but for inexplicable reasons the state habeas judge denied habeas relief and asked the Director to draft an order. Critically for this Court to understand, *the Director wrote the entire state habeas decision* that it asks this Court to uphold. *See Jefferson v. Upton*, 560 U.S. 284, 294 (2010) (criticizing the practice of having parties write the judge's opinions and remanding the case to determine whether the state court's factual findings warrant a presumption of correctness).

The Director's first question presented complains that the Fourth Circuit violated the AEDPA and the party-presentation principle by its "de novo review" of the state court's decision (that the Director wrote wholesale). But the "de novo review" that is at the core of the Director's request for certiorari *was an alternate holding*. The Fourth Circuit held *both* that de novo review was justified and that even if it was not that the state decision involved an unreasonable application of *Strickland* because the only reasonable conclusion was that Coleman was

prejudiced. App. 123a n.14 (Op. at 99 n.14). The Director’s state court decision was plainly unreasonable, and false, when it concluded Coleman presented no evidence of a diagnosis of PTSD and no evidence of a TBI. USCA4 JA 930, 939.

The Director’s second question presented complains that the Fourth Circuit violated the AEDPA and the party-presentation principle by granting relief on a state court judgment that “was not before it.” The Director is incorrect; the state court judgment was appealed and, even if it was not, it was before the court.

Coleman’s two crimes happened hours apart in two neighboring jurisdictions (Roanoke City and Roanoke County) and so the state sentencing court consolidated the charges from the City and County into one sentencing hearing. The state court issued one sentencing order from that one hearing. Coleman challenged the one sentencing event and sentencing order in his state habeas petition but filed two *identical* habeas petitions in the City and County out of an abundance of caution. He only needed to win one of the identical habeas petitions as both recited the crimes from the City and the County—it was a housekeeping issue. When the federal district court denied one of Coleman’s state habeas

petitions on procedural grounds and the other on the merits, it was both wrong and irrelevant. Coleman appealed the federal district court order that dismissed one of his petitions on procedural grounds and it was the Director who failed to raise this issue in the Fourth Circuit. It would be nonsensical for the Fourth Circuit to have failed to grant relief on part of Coleman's sentencing when he had one sentencing hearing and his identical state habeas petitions raised identical facts and claims.

Respectfully submitted,

By: /s/_____

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