

SUPREME COURT OF VIRGINIA



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

Case

COMMONWEALTH OF VIRGINIA v. MARCUS CLEOPHUS HOLMAN
(Record Number 230343)

From

The Court of Appeals of Virginia.

Counsel

Jason S. Miyares and Stephen J. Sovinsky (Office of the Attorney General) for appellant.

Charles E. Haden for appellee.

Assignments of Error

1. The Court of Appeals erred in holding that the evidence affirmatively shows that an element of the use of a firearm in the commission of a felony did not occur, that Holman acted without malice, and that Holman drunkenly and erratically discharged a shotgun in the direction of Selena Spurlock and her home.
2. The Court of Appeals erred in holding that a stipulation that all the elements of an offense occurred, without more, would amount to a mere concession of law, that such a stipulation would be an impossible concession or not appropriate, or that the stipulations obligated a specific outcome and that the trial court did not independently review the concession.
3. The Court of Appeals erred in holding that Holman did not in fact stipulate that all elements of the use of a firearm in the commission of a felony were present, and that the stipulations were not sufficient for the trial court to convict.
4. The Court of Appeals erred in holding that the ends-of-justice exception to Rule 5A:18 applies to Holman's conviction for use of a firearm in the commission of a felony, and that Holman showed an extraordinary situation where a miscarriage of justice had occurred.
5. The Court of Appeals erred in holding that the approbate/reprobate and invited-error doctrines do not bar the application of the ends-of-justice exception to Holman's conviction for use of a firearm in the commission of a felony, and that Holman did not invite the error of which he complains or take advantage of the situation created by his own wrong.