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March 22, 2022

The Honorable John Vollino
Clerk of Court
Court of Appeals of Virginia
100 North Ninth Street
Richmond, Virginia 23219

Re: Terence Jerome Richardson v. Commonwealth
(s/k/a Terrence Jerome Richardson)
CAV Record No. 0361-21-2

Notice of Citation to Supplemental Authority

Dear Mr. Vollino:

Pursuant to Rule 5A:4A of the Rules of the Supreme Court of Virginia, the Commonwealth notifies the Court of its reliance on supplemental authority, namely, the Court's published order in *Parson v. Commonwealth*, __ Va. App. __, Record No. 0762-21-2 (Mar. 22, 2022). In *Parson*, this Court articulated for the first time "the effect that a knowing and voluntary guilty plea has on a petitioner's subsequent claim of actual innocence since the enactment of the [2020] statutory amendments." *Id.* at *13. The Court distinguished the sparse guilty plea record in *In re Watford* by noting the detailed factual and evidentiary

proffer given by the prosecutor in *Parson. Id.* at *13. Before *Parson* was issued, the Commonwealth similarly distinguished *Watford* in the instant case. Comm. Supp. Br. at 11–12. The Court dismissed Parson’s petition, noting its skepticism because Parson had pled guilty to secure the benefits of a plea bargain. *See Parson* at *14.

Richardson petitions this Court for a writ of actual innocence after being permitted to avoid the death penalty by pleading guilty to the lesser-included offense of involuntary manslaughter. *See* Pet. Exh. C at 2 (amending capital murder indictment to involuntary manslaughter). The Commonwealth’s evidence at Richardson’s guilty plea hearing consisted of a proffer of the expected trial testimony of five witnesses, an autopsy report, a certificate of analysis, and the transcript of sworn testimony taken at the preliminary hearing. Pet. Exh. C at 5–10; Pet. Exh. A.

The Commonwealth submits that the factual and evidentiary proffer given by the prosecutor in Richardson’s case is of similar veracity and import to that which was made in *Parson*. *See Parson* at *14. The logic this Court applied to Parson’s “self-interested prevarication” is similarly applicable to petitioner Richardson. *See Parson* at *14. In light of *Parson*, it is even less likely that a rational fact finder would have sympathy for petitioner Richardson’s present protestations of innocence.

I would appreciate it if you would circulate this Notice to the Judges of the Court. Please do not hesitate to contact me with any questions or concerns.

Yours sincerely,

/s/ Brandon T. Wroblewski

Special Assistant to the Attorney General
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cc: Jarrett Adams, Esq., Counsel for Terrence Richardson
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