

# ATTORNEY REBECCA D. WINN, PLC

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September 19, 2021

sent via email & U.S.P.S.

Paul J. Fowler, III, Parole Board Investigator

RE: *Supplement and Amendment to the Petition for Conditional Pardon of Lawrence Jacob Stephens*  
Inmate #  
DOB: 01/28/  
SSN: \*

Dear Mr. Fowler,

In my ongoing effort to provide any new information that may be helpful to your investigation and to the Parole Board's review and determination, I am providing another supplement and amendment found on pages 4-5 in bold blue font.

## 1. Introductory Facts

### a. Information for Lawrence Jacob Stephens

Inmate No.:  
DOB: 01/28/1  
SSN:

### b. Convictions for which this Conditional Pardon Request is Being Made

<u>CASE NO.</u>	<u>OFFENSE DESCRIPTION</u>	<u>OFFENSE DATE</u>	<u>VA CODE (2002)</u>
CR02-1689-01	Robbery (F)	11/13/2001	18.2-58
CR02-1689-02	Use or Display of Firearm in Committing Robbery (F)	11/13/2001	18.2-53.1
CR02-1689-03	Robbery (F)	11/13/2001	18.2-58
CR02-1689-04	Use or Display of Firearm in Committing Robbery (F)	11/13/2001	18.2-53.1
CR02-1689-06	Armed Statutory Burglary (F)	11/13/2001	18.2-90
CR02-1689-08	Abduction (F)	11/13/2001	18.2-47
CR02-1689-09	Use or Display of Firearm in Committing Abduction (F)	11/13/2001	18.2-53.1

**c. Sentence**

The December 19, 2002 Sentencing Guidelines prepared by Mr. Stephens' Probation Officer called for thirteen (13) years of incarceration. As shown in the Final Disposition of the Sentencing Guidelines, and in the court's Sentencing Order, the court departed from these Guidelines and ordered that Mr. Stephens instead be incarcerated for a total sentence of three (3) life terms plus twenty-three (23) years with no time suspended. The Department of Corrections Report shows that one (1) life term is defined as a period of six-hundred (600) years. Accordingly, the court deviated from the Sentencing Guidelines which called for thirteen (13) years of incarceration, and instead ordered that Mr. Stephens be incarcerated for a total sentence of one-thousand eight-hundred and twenty-three (1,823) years. **EXHIBIT A.**

<u>CASE NO.</u>	<u>OFFENSE DESCRIPTION</u>	<u>SENTENCE ORDERED</u>
CR02-1689-01	Robbery (F)	LIFE – six-hundred (600) years
CR02-1689-02	Use or Display of Firearm in Committing Robbery (F)	three (3) years
CR02-1689-03	Robbery (F)	LIFE – six-hundred (600) years
CR02-1689-04	Use or Display of Firearm in Committing Robbery (F)	five (5) years
CR02-1689-06	Armed Statutory Burglary (F)	LIFE – six-hundred (600) years
CR02-1689-08	Abduction (F)	ten (10) years
CR02-1689-09	Use or Display of Firearm in Committing Abduction (F)	five (5) years

**d. Appeal History**

On June 18, 2003 a single judge of the Virginia Court of Appeals denied Mr. Stephens Petition to Appeal his Circuit Court convictions.

On December 23, 2003 a three-judge panel of the Virginia Court of Appeals subsequently denied, by final order, Mr. Stephens Petition to Appeal his Circuit Court convictions.

Mr. Stephens drafted his Petition for Writ of Habeas Corpus which was entered with the Supreme Court of Virginia with the assistance of counsel.

Mr. Stephens was unsuccessful in his efforts on appeal and now seeks post-conviction relief through his request for a Conditional Pardon.

**e. Other Relevant Background Information**

Kermit Stephens is the father of Lawrence Stephens. He was in poor health throughout Mr. Stephens childhood and passed away when Mr. Stephens was still very young. Mr. Stephens has very few memories of his father.

Betty Stephens Sample is the mother of Lawrence Stephens. Mr. Stephens was close with his mother who was sickly at the time that he entered prison and who passed away in 2011. During his childhood, his mother was the sole provider for Mr. Stephens and his siblings who survived off of the small income she earned from babysitting. Mr. Stephens misses receiving her twice weekly letters and regrets that he was unable to enjoy the final years of his mother's life with her. He continues to grieve the loss of his mother today.

Mr. Stephens has two siblings with whom he has maintained a healthy bonded relationship during his incarceration. His brother, \_\_\_\_\_, lives outside of Virginia but still travels to work and volunteer within the local community. His sister, \_\_\_\_\_, lives in North Carolina where she is a successful business owner offering photography and videography services. If granted the relief requested, part of Mr. Stephens Reentry Plan includes living with and working for his sister (discussed further below).

Mr. Stephens has two daughters: \_\_\_\_\_ who was 2 years old at the time of his sentencing, and \_\_\_\_\_ who was not yet born when Mr. Stephens was first incarcerated. While Mr. Stephens is estranged from \_\_\_\_\_, he has managed to maintain and grow a healthy bonded relationship with his youngest daughter: \_\_\_\_\_. Mr. Stephens regularly speaks with \_\_\_\_\_ and will proudly tell you that \_\_\_\_\_ has built her career providing first responder EMT services to our local community. Having grown up without the significant presence of a father in his own life, Mr. Stephens hopes that his request for a Conditional Pardon will grant him the opportunity to nurture and be present in the lives of his daughters.

## 2. The Compelling and Extraordinary Reasons for why this Conditional Pardon Should be Granted

### a. The circumstances at the time of the crime deserve just consideration

Because of the little income that his mother brought in, Mr. Stephens and his siblings grew up very poor. Mr. Stephens was regularly bullied and teased because of the things he did not have and because of the conditions in which he lived. He commonly lived in a house that was without electricity because it was a luxury that his mother simply could not afford. Mr. Stephens was in the 11th grade at Hampton High School when he was forced to quit school and work to help provide for his family. When his White girlfriend became pregnant with their child, her parents became infuriated that she was carrying a Black baby and kicked her out of her home. His girlfriend now without a place to live, and with Mr. Stephens mother having moved into assisted living care, Mr. Stephens and his girlfriend were homeless and began to live in a car. In need of money to purchase necessities for his soon to be born child, and in debt to a co-worker, the co-worker promised that he would relieve Mr. Stephens of the debt if he committed the acts that eventually led to his incarceration. Mr. Stephens was just a teenager when he committed these acts. Accordingly, some regard and consideration should be given to Mr. Stephens undeveloped cognitive state and psychosocial immaturity at the time that he committed these acts.

### b. The penalty itself is unjust

The penalty itself is unjust because it is extraordinarily excessive, because there are concerns that it was influenced by and ordered because of Mr. Stephens race, and because of the concerns related to the inadequacy of Mr. Stephens representation during the underlying proceedings.

### i. The sentencing ordered drastically deviates from the guidelines

The sentence ordered was well above the sentencing guidelines in effect at the time and Lawrence Stephens has already served more time than what the sentencing guidelines called for.

Lawrence Stephens was sentenced to three (3) life sentences plus twenty-three (23) years – a total of 1,823 years – with no time suspended. The Sentencing Guidelines in effect at the time called for thirteen (13) years of imprisonment. Mr. Stephens, a first-time adult offender has already served nineteen (19) years in prison, a term well in excess of what the sentencing guidelines recommended. In summary:

- Sentencing Guidelines – 13 years
- Sentencing Ordered by the Judge – 1,823 years
- Years Already Served by Mr. Stephens – 19 years

Additionally, legislation has since changed such that the degrees of the underlying crimes have changed. Though, this legislation is not retroactive, and Virginia has otherwise abolished the availability of Parole in this matter.

**ii. Covid-19 Related Medical Need**

As the Covid-19 pandemic continues to spread around the globe and cause such great loss of life, our prison population remains uniquely susceptible, and Mr. Stephens is no exception. His vulnerability to the virus (especially given his history of severe asthma) alone presents the necessary “extraordinary and compelling” reason to grant the requested relief.

**iii. There is serious concern that this sentence is a direct result of Mr. Stephens race**

Lawrence Stephens was an eighteen (18) year old Black teenager who received a sentence that far exceeded that of his White co-defendants who received disproportionately low sentencing. While reviewing the case file, transcripts, and filed pleadings at the Courthouse, I was especially alarmed to read that the Prosecutor was not even sure of the full scope of the role that Mr. Stephens played during the acts in question apart from the role played by his co-defendants. According to the Sentencing Guidelines Final Disposition, the judge’s “Reason for Departure” was based on the general nature of the events in question but was absent any rationale for why Mr. Stephens was treated differently from his co-defendants in his sentencing—specifically, the “Reason for Departure” was absent any rationale as to why the three White co-defendants who were the actors that actually planned the underlying acts, and who identified the location where the acts were to take place, and who led and accompanied Mr. Stephens were all given much lighter sentences than Mr. Stephens, and was absent any rationale as to why Mr. Stephens was treated differently from the only other Black co-defendant, a seventeen (17) year old teenager who we believe is now eligible for Parole. This inability to see from the trial record why Mr. Stephens was treated so very differently from his co-defendants was not isolated to the trial alone. This was true even through the final stages of appeal to the Supreme Court of Virginia. Throughout these proceedings, the Prosecutor was never sure of whether Mr. Stephens was the accused actor who committed the underlying acts while wearing certain items and making certain statements to the victims or if that accused actor was another of his co-defendants. Yet, there is such a great and egregious disparity in the outcome for Mr. Stephens as compared to the outcome of his counterparts to this crime. The only difference between Mr. Stephens and the co-defendants was that Mr. Stephens is Black and a teenager placed on trial as an adult, and the co-defendants were either White adults or a teenager who, unlike Mr. Stephens, we believe is now eligible for Parole. While I do not have the current sentencing status for all of the co-defendants, I do have the final sentence for incarceration for Paul Michael Melendres, a white male who was 29 years old at the time, and who was described as the “mastermind” that planned the crime, and for Darnell Nolen, the only other Black co-defendant who was 17 years old at the time of the crime. To illustrate the egregious disparity in Mr. Stephens sentencing, the chart below shows the number of years that each co-defendant was sentenced to serve for each of the same exact charged offenses:

<b>CHARGE</b>	<b>PAUL MELENDRES (29 years old—“mastermind”)</b>	<b>DARNELL NOLEN (17 years old)</b>	<b>LAWRENCE STEPHENS (18 years old)</b>
ROBBERY	7 years	5 years	600 years
USE OF FIREARM	3 years	3 years	3 years
ROBBERY	0 years	5 years	600 years
USE OF FIREARM	<i>nolle prosee</i>	5 years	5 years
BURGLARY	0 years	10 years	600 years
ABDUCTION	<i>nolle prosee</i>	0 years	10 years
USE OF FIREARM	<i>nolle prosee</i>	5 years	5 years
<b>TOTAL:</b>	<b>10 years</b>	<b>35 years</b>	<b>1,823 years</b>

Notably, the judge defined a “LIFE” sentence for Paul Michael Melendres—the “mastermind”—as a term of ninety-nine (99) years and suspended the vast majority of each of his LIFE terms, while the same judge defined a “LIFE” sentence for Mr. Stephens as a term of 600 years, all of which Mr. Stephens is to serve.

iv. **There is serious concern that this sentence is a direct result of inadequate defense representation**

The transcripts of the underlying case, EXHIBIT B, reflect that Mr. Stephens first raised his concerns during the course of the proceedings that his court appointed attorney was engaged in professional misconduct, was misrepresenting the facts of the underlying events to the court, and that his attorney was inadequately providing for his representation. A Motion to Withdraw was entered and Mr. Stephens sought to have the court’s approval for the substitution of counsel. This Motion was denied. At the hearing on the Motion, the judge stated “Well [Attorney] I’ve known you for as long as you’ve practiced law. And you’re one of the most forthright lawyers that I’ve met – and there are many, but you are one of them. I have never, ever suspected that you misrepresented anything” and that “You do not misrepresent them. And that would be an observation” and that “The cheating, I don’t know what that has to do with; but as far as I know, you’re a very upstanding and moral person, and cheating is not something I would suspect you of.” The judgment reflected in these transcripts would be later countered during the Virginia State Bar’s Disciplinary proceedings against the Attorney. At the hearing to Withdraw and Substitute counsel, the Attorney even raised the concern that a potential bar complaint could arise from the issue and that he may need to notify his malpractice carrier and that “the [Attorney-Client] relationship is not what it should be” and that he “would feel extremely uncomfortable representing [Mr. Stephens] in this matter” because of the concerns that Mr. Stephens raised with the court regarding the inadequacy of the representation. While the court gave Mr. Stephens the opportunity to hire his own private attorney, Mr. Stephens’ family was ultimately unable to afford the necessary retainer and thus the Attorney was not allowed to withdraw as Mr. Stephens’ court appointed counsel. Mr. Stephens’ inability to afford the high cost of private counsel would prove to be detrimental to his case.

Mr. Stephens was advised by his court appointed Attorney that if he entered into a Plea Agreement, EXHIBIT C, that he would avoid the harsher consequence that the risk of a trial loss would produce. The reality of the extreme punishment attached to his admission of guilt for the remaining charges as well as the severe limitation of his rights on appeal were not known to Mr. Stephens until after the Plea Agreement was entered into. Specifically, Mr. Stephens was led to believe that if he were to go through a trial by a jury of his peers on the charges to be *nolle prosequed* as part of the Plea Agreement and then lost on those charges, that the penalty would have been much harsher than if he were to enter into the Agreement admitting guilt to the seven (7) remaining charges for which he was ultimately convicted. What Mr. Stephens did not know when the Plea Agreement was formed, and what was not made clear to him by the court until after he agreed to the Agreement, was that his admission of guilt carried the consequence of three (3) life terms plus twenty-three (23) years of incarceration—a total of 1,823 years—and that an appellate court would be limited to the two issues of (1) whether the trial court had jurisdiction, and (2) whether the trial court abused its discretion by exceeding the maximum punishment, and that the appellate courts would otherwise be without the ability to consider the court’s discretion with regard to the excessiveness of the ordered sentence as compared to the Sentencing Guidelines in place at the time.

Mr. Stephens concerns over the ethical conduct of his court appointed Attorney were later justified by the Virginia State Bar Disciplinary Board. The June 28, 2007 Virginia State Bar Subcommittee Determination, EXHIBIT D, reflects that the Attorney was disciplined by the Virginia State Bar because the Attorney informed Mr. Stephens in a writing that he would be filing a Petition for Appeal the Supreme Court of Virginia. The Attorney never made such a filing and instead allowed Mr. Stephens period to appeal expire.

Mr. Stephens was left to alone draft his own Petition for Writ of Habeas Corpus, EXHIBIT E, which a different Attorney eventually assisted with filing with the Supreme Court of Virginia, EXHIBIT F. Unfortunately, because of the limitations on appeal created by the Plea Agreement, Mr. Stephens did not prevail in his effort to appeal to the Supreme Court.

Mr. Stephens now seeks post-conviction relief through his previously filed Petition for a Conditional Pardon. I have enclosed his original letter of request to assist in your consideration of this matter. EXHIBIT G.

**c. Honesty and Remorse**

Mr. Stephens expresses deep regret and remorse for his conduct and the pain that he has caused, and he now seeks relief and grace through his request for a Conditional Pardon. Throughout this matter, Mr. Stephens has been honest about the underlying events and has maintained personal accountability for the crimes in question.

This remorse and reflection is not a recent development. The case file, transcripts, and filed pleadings in this matter show that Mr. Stephens has been consistent in his remorse, regret, and sorrow for his conduct since committing the underlying acts and that he has long been reflective of how this conduct impacted the lives of others. The trial transcripts show that Mr. Stephens explained that “if [he] could take it all back [he] would” and that he viewed this as a “learning experience” from which he has grown.

Mr. Stephens’ forthright honesty remains today and is well reflected in his enclosed initial letter of request for relief. In my conversations with Mr. Stephens, he has been reflective over how he would have felt if his own family had experienced what the victims did and he continues to feel deep embarrassment and shame for the underlying events.

**d. Rehabilitation while in custody**

Mr. Stephens is a gifted and curious individual who often expresses an interest in learning, but because of the classification of his confinement he has not had access to participate in many programs of interest. Though, even with such limited resources, Mr. Stephens has been resilient and has achieved various accomplishments during his incarceration, to include:

- Achieving his GED
- Completion of a substance abuse class for his marijuana use
- Completion of Anger Management programming
- Completion of Motivational Enhancement Therapy
- Completion of Cognitive Processing Therapy
- ServSafe food service skill and training program

While Mr. Stephens has not been charged with any felonious crimes while incarcerated, his prior filings reflect that he has committed certain non-violent and non-gang related institutional infractions over the course of his nineteen (19) years of incarceration. As explained in those prior filings, Mr. Stephens is remorseful and in no way seeks to marginalize those institutional infractions. On August 6, 2021, Mr. Stephens was notified that the only recent institutional charge against him was marked as dismissed/overtaken. EXHIBIT I. Accordingly, I believe that the last institutional infraction committed by Mr. Stephens was in 2018. These infractions are reflective of an individual who entered incarceration as a teenager, and who believed that he had exhausted all post-conviction relief available and would otherwise live out the remainder of his life imprisoned without the ability to father his (at the time) young daughter and unborn child. Angered by the disparities in his sentencing and the inadequacy of his representation, Mr. Stephens understandably acted out.

The record shows that as Mr. Stephens grew into his adulthood and matured, the frequency and severity of his infractions waned, and that Mr. Stephens has rehabilitated. Since his institutional entry as a teenager, Mr. Stephens has grown, matured, and reformed into an adult that is curious to learn more about the world and who has illustrated a talent for writing which he would like to develop further with the opportunity of release. To further his post-incarceration success, Mr. Stephens plans to seek additional rehabilitative and developmental resources currently unavailable to him (discussed further below).

### 3. **Employment History**

Prior to his incarceration, Mr. Stephens employment history includes:

- Work at Chic-fil-A
- Work at Schlotzky's Deli
- Work at Steak-N-Ale
- Kitchen help and Dishwasher at Harpoon Larry's

Since his incarceration, Mr. Stephens employment history includes:

- Kitchen staffing
- Housekeeping

### 4. **Academic Accomplishments**

Mr. Stephens was enrolled in the 11th grade at Hampton High School in Hampton, Virginia when he was forced to quit school in order to work and help provide for his family. While at Hampton High School, Mr. Stephens was a successful member of the football and basketball team. Since his incarceration, Mr. Stephens has gone on to achieve his GED and remains curious about the world and eager for the opportunity of an education that the granting of this post-conviction relief would afford him.

### 5. **Reentry Plan**

Upon release, Mr. Stephens plans to engage in "self-help" resources which will support his mental, social, emotional, and spiritual growth.

#### a. **Housing**

As mentioned above, Mr. Stephens has maintained a healthy bonded relationship with many family members since being incarcerated. As such, his Reentry Plan includes living with his sister in North Carolina upon release.

#### b. **Employment**

Mr. Stephens plans to and has arranged for work that will grow his existing interests and talents.

First, Mr. Stephens has been offered employment by the nonprofit Fighting 4 Freedom project. This will be a remote job and will allow Mr. Stephens to work as a Writer for this project which advocates for criminal justice reform and assists with requests for post-conviction relief.

Second, Mr. Stephens has been offered employment with the business owned by his sister. This will initially be a part-time position that will allow Mr. Stephens to work as a Production Assistant and holds the potential for advancement into full-time employment.

**c. Medical and Mental Health Care**

In 6th grade, Mr. Stephens was diagnosed with ADHD and prescribed Ritalin. While he only took his prescribed medication for a few months, his course of post-incarceration mental health treatment will likely benefit from addressing lingering mental health issues that have otherwise gone ignored and untreated by prison healthcare services.

Since his incarceration Mr. Stephens has been treated for depression, anxiety, and severe asthma and will continue to seek out adequate mental and physical healthcare resources to address these issues as part of his Reentry Plan.

Initially, Mr. Stephens plans to seek healthcare coverage through expanded Medicaid provisions and/or through the Healthcare Marketplace, and then eventually through employer provided healthcare once such a benefit is made available to him.

**d. Community Integration Plan**

Mr. Stephens is well aware that because he entered prison as a teenager and grew into his adulthood there, that he will need to actively seek out community resources in order to supplement that gaps created by the reality of "growing up" in jail.

Additionally, Mr. Stephens is excited about the opportunity to be a positively contributing member of his community that Reentry will allow for. Mr. Stephens is a talented basketball player and is highly interested in mentoring youth through sports related programming. He is also compassionate toward the well-being of animals and is interested in seeking out community involvement with animal aid and other similar organizations which advocate for the humane treatment and quality of care for animals.

**6. Photos and Letters of Support**

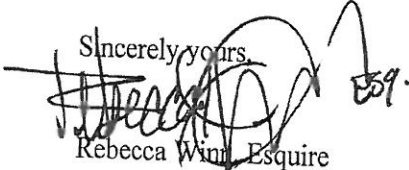
In his prior filings, photographs and letters of support have been submitted, EXHIBIT H, as follows:

- Virginia Senator Dave Marsden, 37th District
- Tanya Smith, Gospel Spreading Church of God
- Tracy Marie Stephens, sister-in-law
- Traletta Danielle Banks, Career Advisor for the North Carolina Workforce System
- Celanese Bozeman, family friend
- Jennifer Yvonne Powell
- Teresa Armstrong, family member
- Katrina Jiles, friend
- Mark A. Armstrong, Pastor and Probation Ministries for Kem Ministries

Please feel free to give me a call should you have any questions or concerns or should you need any additional information in this matter.

I thank you in advance for your time, courtesy, and consideration.

Sincerely yours,

  
Rebecca Winn Esquire

CC: Lawrence Jacobs Stephens



# Sentencing Guidelines Cover Sheet

Complete this form ONLY for applicable felonies sentenced on or after July 1, 2002.

## ◆ OFFENDER

First: Lawrence  
 Last: Stephens Middle: Jacob  
 Date of Birth: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 CCRE: VIA 1392519J Social Security Number: \_\_\_\_\_  
 Suffix: \_\_\_\_\_  
 PSI Number: \_\_\_\_\_

## ◆ COURT

Judicial Circuit: 09 City/County: York  
 Judge's Name: Prentis Smiley, Jr. FIPS Code: 199  
 Preparer Name: Mary J. Gatens Preparer Title:  Commonwealth's Attorney  Probation Officer  
 Prosecuting Commonwealth's Attorney: Donna Maw Defense Attorney: John Konstantinou

## ◆ CONVICTIONS

Offense	Counts	VCC	Offense Date
Primary Offense: Robbery	<u>02</u>	<u>ROB</u> - <u>1204</u> - <u>F9</u>	Month <u>11</u> / Day <u>13</u> / Year <u>01</u>
Additional Offenses: Statutory Burglary	<u>01</u>	<u>BUR</u> - <u>2212</u> - <u>F2</u>	Month <u>11</u> / Day <u>13</u> / Year <u>01</u>
Abduction	<u>01</u>	<u>KID</u> - <u>1010</u> - <u>F5</u>	Month <u>11</u> / Day <u>13</u> / Year <u>01</u>

Primary Offense Code Section: § 18.2-58 Docket Number: CR02-1689

## ◆ METHOD OF ADJUDICATION

Jury Trial → Sentence Set by Jury:  Life Sentence  \_\_\_\_\_  
 Bench Trial  Guilty Plea  Alford Plea/Nolo contendere

## ◆ SENTENCING GUIDELINES RECOMMENDATIONS

- Section B
- Probation / No Incarceration
  - Incarceration 1 Day to 3 Months
  - Incarceration 1 Day to 6 Months
  - Incarceration 3 to 6 Months
  - Probation / No Incarceration or Incarceration to 6 Months
- Mandatory Minimum \_\_\_\_\_

- Section C
- Detention Center Incarceration
  - Life Sentence
  - Incarceration (Enter Midpoint and Range Below)
- Range Midpoint: 13 0  
 Sentence Range: 13 0 TO 13 0  
 Recommendation Adjusted for Mandatory Minimum

- ### ◆ NONVIOLENT RISK ASSESSMENT: Section D of Drug, Fraud, and Larceny Worksheets.
- Recommended for Alternative Punishment
  - NOT Recommended for Alternative Punishment
  - Not Applicable





# Additional Offenses Continuation Sheet

Offender Name: Stephens

Offense	Counts	VCC	Offense Date		
			Month	Day	Year
Use of a Firearm	03	ASL - 1323 - F9	11	13	01

# Final Disposition Fill in after sentence has been pronounced.

## SENTENCE

Total Time Imposed Before Suspension .....  Life Sentence + 2

Total Time to Serve (effective) .....  Life Sentence +

Post Release Term §18.2-10 .....  Sentenced to Time Served

Post Release Supervision Period §19.2-295.2 (A) .....

Probation Period (Supervised) §19.2-303 .....  Indefinite

Years	Months	Days
23		

Check all that apply

Incarceration Sentence to Run Concurrently With Another Sentencing Event

Written Plea Agreement Accepted  Oral Sentence Recommendation Accepted

Restitution: \$ \_\_\_\_\_  Fine: \$ \_\_\_\_\_

Other Sentencing Programs (Check all that apply)

Day Reporting

Diversion Center Incarceration

Electronic Monitoring

Unsupervised Probation §18.2-251

Community-Based Program

Detention Center Incarceration

Drug Court

Intensive Probation

Youthful Offender

Other \_\_\_\_\_

Specify type or name of program

## REASON FOR DEPARTURE

Must be completed pursuant to §19.2-298.01(B)

*This opinion on criminality by this Court to be of extreme terror and which the guidelines do not address the commission of the acts related to the Home Invasion. you may want to review the record info check it to be pronounced.*

## SENTENCING DATE

12 / 19 / 02

Month Day Year

*[Signature]*

Judge's Signature

## ATTACH COURT ORDER AND MAIL

After sentencing, send to: Pursuant to §19.2-298.01(E)

Virginia Criminal Sentencing Commission • Fifth Floor • 100 North Ninth Street • Richmond, Virginia 23219

Office Use Only

Error Code: [ ] [ ] [ ] [ ]

Audit Code: [ ] [ ] [ ] [ ]

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Misc: [ ] [ ] [ ] [ ]

000151

# Robbery — Section A

Offender Name: **Stephens**

## Primary Offense

- A. Attempted or conspired robbery or carjacking (1 count) ..... 1
- B. Street without a gun or simulated gun ..... 2
  - 1 count..... 1
  - 2 counts ..... 2
- C. Business without a gun or simulated gun ..... 6
  - 1 count..... 4
  - 2 counts ..... 6
- D. Residence without a gun or simulated gun (1 count) ..... 4
- E. Carjacking without a gun (1 count) ..... 6
- F. Street, residence, business or carjacking with a gun or simulated gun (1 count) ..... 4
- G. Bank robbery with or without a gun or simulated gun (1 count) ..... 4

Score  

0	6
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## Primary Offense Additional Counts

Total the maximum penalties for counts of the primary not scored above

Years: 10 or more ..... 2

0	2
---	---

## Additional Offenses

Total the maximum penalties for additional offenses, including counts

Years: Less than 2 ..... 0

0	2
---	---

## Weapon Used

- None ..... 0
- Simulated weapon or other than firearm ..... 1
- Firearm ..... 3

0	3
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## Victim Injury

- Threatened ..... 1
- Emotional or physical ..... 2
- Serious physical ..... 3

0	2
---	---

## Prior Convictions/Adjudications

Total maximum penalties for the 5 most recent and serious prior record events

Years: Less than 6 ..... 0

0	0
---	---

## Prior Incarcerations/Commitments

IF YES, add 1

0	0
---	---

## Prior Juvenile Record

IF YES, add 1

0	1
---	---

## Legally Restrained at Time of Offense

IF YES, add 3

0	0
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## Total Score

If total is 5 or less, the guidelines sentence is Probation/No Incarceration or Incarceration to 6 months. If total is 6 or more, go to Section C.

16
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# Robbery Section C

Offender Name: **Stephens**

## Primary Offense

	Prior Record Classification		
	Category I	Category II	Other
A. Attempted or conspired robbery or carjacking without a gun or simulated gun (1 count)	20	10	5
B. Attempted or conspired robbery or carjacking with gun or simulated gun (1 count)	92	46	23
C. Residence or street with gun or simulated gun			
1 count			
2 counts	192	128	64
3 counts	270	180	90
D. Bank or business with gun or simulated gun			
1 count	444	298	148
2 counts			
3 counts	168	112	56
E. Residence, bank, business, street or carjacking without a gun or simulated gun			
1 count	348	232	118
2 counts	528	352	176
F. Carjacking with gun or simulated gun (1 count)			
1 count	84	58	28
2 counts	162	108	54
3 counts	336	224	112
4 counts	246	164	82

Score

**90**

Primary Offense Additional Counts Assign points to each count of the offense not scored above and total the points

Maximum Penalty: 10 (years)	6
Life	19

**0**

Additional Offenses Assign points to each additional offense (including counts) and total the points

Maximum Penalty: Less than 2 (years)	0
2, 3	1
4, 5	2
10	5
20	10
30	14
40 or more	19

**35**

Weapon Used

Firearm/simulated firearm (firearm points included with primary offense)	0
Simulated weapon other than simulated firearm	7
Weapon other than firearm, knife or explosive	7
Knife	9
Explosive	16

**0 0**

Prior Incarcerations/Commitments If YES, add 7

**0 0 0**

Legally Restrained at Time of Offense If YES, add 5

**0 0 0**

Prior Juvenile Record If YES, add 8

**0 0 8**

### SCORE THE FOLLOWING FACTORS ONLY IF PRIMARY OFFENSE IS COMPLETED ROBBERY OR CARJACKING

Victim Injury

Threatened	0
Emotional	2
Physical	6
Serious physical	23

**0 2**

Prior Convictions/Adjudications Assign points to the 5 most recent and serious prior record events and total the points

Maximum Penalty: Less than 2 (years)	0
2, 3, 4, 5	1
10	3
20	5
30	8
40 or more	11

**0 0**

Prior Felony Convictions/Adjudications Against Person

Number: 1	3
2	7
3 or more	10

**0 0**

### SCORE THE FOLLOWING FACTOR ONLY IF PRIMARY OFFENSE IS COMPLETED CARJACKING

Felony Kidnapping or Felony Assault (other than use of firearm) scored as additional offense If YES, add 57

**0 0**

Total Score

See Robbery Section C Recommendation Table for guidelines sentence range.

**135**

000000279

**SENTENCING ORDER**

**VIRGINIA: IN THE CIRCUIT COURT OF YORK COUNTY**

Hearing Date: December 19, 2002  
Judge: Honorable Prentis Smiley, Jr.

FEDERAL INFORMATION PROCESSING STANDARDS CODE: 199

**COMMONWEALTH OF VIRGINIA**



v.

**LAWRENCE JACOB STEPHENS, DEFENDANT**

This case came before the Court for sentencing of the defendant, who appeared in person with counsel, John Konstantinou. The Commonwealth was represented by Donna Maw.

On September 23, 2002, the defendant was found guilty of the following offenses:

CASE NUMBER	OFFENSE DESCRIPTION AND INDICATOR (F/M)	OFFENSE DATE	VA. CODE SECTION
CR02-1689-01	Robbery (F)	11/13/2001	18.2-58
CR02-1689-02	Use or Display of Firearm in Committing Robbery (F)	11/13/2001	18.2-53.1
CR02-1689-03	Robbery (F)	11/13/2001	18.2-58
CR02-1689-04	Use or Display of Firearm in Committing Robbery (F)	11/13/2001	18.2-53.1
CR02-1689-06	Armed Statutory Burglary (F)	11/13/2001	18.2-90
CR02-1689-08	Abduction (F)	11/13/2001	18.2-47
CR02-1689-09	Use or Display of Firearm in Committing Abduction (F)	11/13/2001	18.2-53.1

The presentence report was considered and is ordered filed as a part of the record in this case in accordance with the provisions of Virginia Code § 19.2-299.

Pursuant to the provisions of Code § 19.2-298.01, the Court has considered and reviewed the applicable discretionary sentencing guidelines and the guidelines worksheets. The sentencing guidelines worksheets and the written explanation of any departure from the guidelines are ordered filed as a part of the record in this case.

Before pronouncing the sentence, the Court inquired if the defendant desired to make a statement and if the defendant desired to advance any reason why judgment should not be pronounced, and the defendant gave no reason why judgment should not be pronounced.

000060280

The Court SENTENCES the defendant to:

Incarceration with the Virginia Department of Corrections for the term of: LIFE for Robbery, No. 1; 3 years for Use or Display of Firearm in Committing Robbery, No. 2; LIFE for Robbery, No. 3; 5 years for Use or Display of Firearm in Committing Robbery, No. 4; LIFE for Armed Statutory Burglary, No. 6; 10 years for Abduction, No. 8; and 5 years for Use or Display of Firearm in Committing Abduction, No. 9. The total sentence imposed is 3 LIFE TERMS plus 23 YEARS.

Any sentence herein shall run consecutively with any other sentences imposed.

Costs. The defendant shall pay costs of this Court.

CCRE. The Defendant shall forthwith allow fingerprints to be taken by the Sheriff of this County pursuant to § 19.2-303, unless such fingerprints are already on file in the Central Criminal Records Exchange.

DNA. The Defendant shall allow a sample of blood to be taken for analysis pursuant to § 19.2-310.3 and be responsible for all fees and costs related thereto.

Credit for time served. The defendant shall be given credit for time spent in confinement while awaiting trial pursuant to Code § 53.1-187.

12-20-02  
DATE ENTER: [Signature]  
JUDGE

DEFENDANT IDENTIFICATION:  
SSN:  
DOB:

SEX: M

SENTENCING SUMMARY:  
TOTAL SENTENCE IMPOSED: 3 LIFE TERMS plus 23 YEARS  
TOTAL SENTENCE SUSPENDED: NONE

DEPARTMENT OF CORRECTIONS  
DIVISION OF OPERATIONS  
UNIFORM COMMITMENT REPORT

C1864

09:46.14

\*\* L E G A L    U P D A T E \*\*

PAGE 1

CURRENT DATE: 04/28/2003  
CLERK ID: JCE  
VERIFICATION CLERK ID:

STATUS: ACTIVE

INMATE NUMBER:

NAME: STEPHENS

LAWRENCE        JACOB

CURRENT LOCATION: VA PENINSULA REGIONAL JAIL

DATE RECEIVED: 21JAN2003

JAIL CREDIT DAYS: 00412

SEN START DATE: 05DEC2001

CLASS LEVEL: 3        TOTAL SENTENCE: 023 YEARS 00 MONTHS 000 DAYS M-LIFE

NOT ELIGIBLE FOR DISCRETIONARY PAROLE  
NOT ELIGIBLE FOR MANDATORY OR GOOD TIME RELEASE

THE ABOVE ANTICIPATED DATES ARE BASED ON THE ASSUMPTION THAT YOU WILL CONTINUE TO EARN GOOD TIME AT YOUR PRESENT EARNING LEVEL AND THAT YOU WILL NOT HAVE EARNED GOOD TIME TAKEN FROM YOU BY AN ADJUSTMENT COMMITTEE ACTION AS A ~~RESULT OF MISBEHAVIOR. LOSS OF EARNED GOOD TIME OR A CHANGE IN YOUR GOOD TIME EARNING LEVEL MAY CAUSE YOUR ANTICIPATED DATES TO CHANGE.~~

EVENTS LISTED BELOW IN DATE ORDER REFLECT TRANSACTIONS AFFECTING ANTICIPATED DATES OF ELIGIBILITY AND RELEASE FROM THE SENTENCE START DATE OF DECEMBER 05, 2001.

05DEC2001 - 21JAN2003    00412 JAIL CREDIT DAYS FROM VA PENINSULA REGIONAL JAIL  
JAIL CREDIT DAYS INCLUDED IN TOTAL JCD.

19DEC2002                    SENTENCE (ESX FTI-X SPC) FROM YORK  
ON 01 COUNT(S) OF ROBBERY  
FOR 600 YRS 00 MOS 000 DAYS  
COURT DISPOSITION: TOTALLY CONSECUTIVE SENTENCE

21JAN2003    I.C.C. ASSIGNED CLASS 3  
IRREL FOR PAROLE

19DEC2002                    SENTENCE (ESX FTI-X FTX) FROM YORK  
ON 01 COUNT(S) OF USE OF FIREARM IN FELONY  
FOR 003 YRS 00 MOS 000 DAYS  
COURT DISPOSITION: TOTALLY CONSECUTIVE SENTENCE

\* CONTINUED ON NEXT PAGE \*



INMATE NUMBER:

NAME: STEPHENS

LAWRENCE

JACOB

19DEC2002

SENTENCE (ESX FTI-X SPC) FROM YORK  
ON 01 COUNT(S) OF ROBBERY  
FOR 600 YRS 00 MOS 000 DAYS  
COURT DISPOSITION: TOTALLY CONSECUTIVE SENTENCE

19DEC2002

SENTENCE (ESX FTI-X FTX) FROM YORK  
ON 01 COUNT(S) OF USE OF FIREARM IN FELONY  
FOR 005 YRS 00 MOS 000 DAYS  
COURT DISPOSITION: TOTALLY CONSECUTIVE SENTENCE

19DEC2002

SENTENCE (ESX FTI-X SPC) FROM YORK  
ON 01 COUNT(S) OF STATUTORY BURGLARY  
FOR 600 YRS 00 MOS 000 DAYS  
COURT DISPOSITION: TOTALLY CONSECUTIVE SENTENCE

19DEC2002

SENTENCE (ESX FTI-X FTX) FROM YORK  
ON 01 COUNT(S) OF KIDNAP/ABDUCT  
FOR 010 YRS 00 MOS 000 DAYS  
COURT DISPOSITION: TOTALLY CONSECUTIVE SENTENCE

19DEC2002

SENTENCE (ESX FTI-X FTX) FROM YORK  
ON 01 COUNT(S) OF USE OF FIREARM IN FELONY  
FOR 005 YRS 00 MOS 000 DAYS  
COURT DISPOSITION: TOTALLY CONSECUTIVE SENTENCE

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DEPARTMENT OF CORRECTIONS  
INMATE PROFILE

PAGE: 01

TIME: 09:46:14  
DATE: 04/28/2003

\*\*\*\*\*  
NOTE TO USER: SECURITY, MEDICAL, AND WORK CLASSIFICATION STATUS CHANGES WILL  
NOT BE REFLECTED UNTIL A NEW PROFILE IS ISSUED.  
\*\*\*\*\*

INMATE NO: INMATE NAME: STEPHENS LAWRENCE JACOB  
CURRENT LOCATION: VA PENINSULA REGIONAL JAIL  
STATUS: ACTIVE DATE RECEIVED: 21JAN 2003 DATE VERIFIED: 28APR 2003

ANTICIPATED:  
DISCRETIONARY PAROLE ELIGIBILITY DATE: INELIGBL  
NOT ELIGIBLE FOR MANDATORY OR GOOD TIME RELEASE

DATE	JUR.	OFFENSE	CNT	SENTENCE (YMD)	STATUS
19DEC2002	YORK	ROBBERY	01	600 00 000	S-LIFE CONSECUTIVE
19DEC2002	YORK	USE OF FIREARM	01	003 00 000	CONSECUTIVE
19DEC2002	YORK	ROBBERY	01	600 00 000	S-LIFE CONSECUTIVE
19DEC2002	YORK	USE OF FIREARM	01	005 00 000	CONSECUTIVE
19DEC2002	YORK	STATUTORY BURGL	01	600 00 000	S-LIFE CONSECUTIVE
19DEC2002	YORK	KIDNAP/ABDUCT	01	010 00 000	CONSECUTIVE
19DEC2002	YORK	USE OF FIREARM	01	005 00 000	CONSECUTIVE

TOTAL SENTENCE: M-LIFE 023 YRS 000 MOS 000 DAYS FIRST TERM FELON

JAIL CREDIT DAYS: 412 SEN START DATE: 05DEC 2001  
GCA LEVEL: 3 EFFECTIVE DATE: 21JAN 2003

CURRENT SECURITY MEDICAL: DATE WRK CLASS: NIC SCORE 00 MENTAL:

ADJUSTMENT COMMITTEE ACTIONS (LAST 18 MONTHS):  
DATE OFFENSE PENALTY  
TOTAL CONVICTIONS: 0

RELEASE/ESCAPE EVENTS:

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FILING INSTRUCTIONS: INSERT NEW PROFILE IN SECTION ONE OF THE INMATE RECORD  
OVER THE FACE SHEET AND BENEATH ANY ALERT CARDS AND ENEMY LISTS. REMOVE AND  
DESTROY THE OLD PROFILE.  
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DEPARTMENT OF CORRECTIONS  
DIVISION OF OPERATIONS  
\*\* SENTENCE SUMMARY \*\*

PAGE: 01  
DATE: 03/04/2003

INMATE NO: INMATE NAME: STEPHENS

LAWRENCE JACOB

CURRENT LOCATION: VA PENINSULA REGIONAL JAIL

00480

DOJ: 19DEC2002 OFFENSE: CNTS-01 1200-ROBBERY FTI-X  
 COURT: YORK (CIRCUIT) TYPE: ESX-SPC DISP: CONSECUTIVE  
 ORIGINAL SENTENCE UNCALCULATED SENTENCE NET SENTENCE  
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 OFFENSE DATE: 13NOV2001 SPECIAL SENTENCE: S-LIFE  
 MEMO: CR02-1689-01

DOJ: 19DEC2002 OFFENSE: CNTS-01 5252-USE OF FIREARM IN FELONY FTI-X  
 COURT: YORK (CIRCUIT) TYPE: ESX-FTX DISP: CONSECUTIVE  
 ORIGINAL SENTENCE UNCALCULATED SENTENCE NET SENTENCE  
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 OFFENSE DATE: 13NOV2001 SPECIAL SENTENCE: S-LIFE  
 MEMO: CR02-1689-02/ROBBERY

DOJ: 19DEC2002 OFFENSE: CNTS-01 1200-ROBBERY FTI-X  
 COURT: YORK (CIRCUIT) TYPE: ESX-SPC DISP: CONSECUTIVE  
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 OFFENSE DATE: 13NOV2001 SPECIAL SENTENCE: S-LIFE  
 MEMO: CR02-1689-03

DOJ: 19DEC2002 OFFENSE: CNTS-01 5252-USE OF FIREARM IN FELONY FTI-X  
 COURT: YORK (CIRCUIT) TYPE: ESX-FTX DISP: CONSECUTIVE  
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 OFFENSE DATE: 13NOV2001 SPECIAL SENTENCE: S-LIFE  
 MEMO: CR02-1689-04/ROBBERY

DOJ: 19DEC2002 OFFENSE: CNTS-01 2210-STATUTORY BURGLARY FTI-X  
 COURT: YORK (CIRCUIT) TYPE: ESX-SPC DISP: CONSECUTIVE  
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 OFFENSE DATE: 13NOV2001 SPECIAL SENTENCE: S-LIFE  
 MEMO: CR02-1689-06/ARMED

DOJ: 19DEC2002 OFFENSE: CNTS-01 1000-KIDNAP/ABDUCT FTI-X  
 COURT: YORK (CIRCUIT) TYPE: ESX-FTX DISP: CONSECUTIVE  
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 OFFENSE DATE: 13NOV2001 SPECIAL SENTENCE: S-LIFE  
 MEMO: CR02-1689-08

DOJ: 19DEC2002 OFFENSE: CNTS-01 5252-USE OF FIREARM IN FELONY FTI-X  
 COURT: YORK (CIRCUIT) TYPE: ESX-FTX DISP: CONSECUTIVE  
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 OFFENSE DATE: 13NOV2001 SPECIAL SENTENCE: S-LIFE  
 MEMO: CR02-1689-09/ABDUCTION

TOTAL SENTENCE: 023 YRS 00 MOS 000 DAYS

DEPARTMENT OF CORRECTIONS  
DIVISION OF OPERATIONS  
UNIFORM COMMITMENT FORM

PAGE:  
DATE: 03/04/03

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INMATE NO: NAME: STEPHENS, LAWRENCE J  
SPN NO: SID NO: FBI NO.  
CURRENT LOCATION: J1D-VA PENINSULA REGIONAL JAIL  
SSN: SEX: MALE RACE: BLACK  
BIRTH: POB:  
AGE: 20 HGT: FT: IN: WGT: BUILD:  
HAIR: EYES: COMPLEXION:  
SCARS/MARKS/TATTOOS:  
AKA/ALIAS/NICKNAME: STEVEPHENS, LAWRENCE J

IN CASE OF EMERGENCY NOTIFY:  
STREET OR P O BOX NUMBER:  
CITY, STATE AND ZIP CODE:  
PHONE NUMBER: AREA CODE: PHONE:

MARITAL: TRADE/PROFESSION:  
PSYCHIATRIC:  
MEDICAL:  
MEDICAL LOCATION STATUS:

OTHER: NOT REVIEWED TESTED GRADE LEVEL:  
CURRENT M/S OFFENSE: 1000-KIDNAP/ABDUCT LAST GRADE COMPLETED:  
TOTAL CURRENT SENTENCE: 800-00-000 DOC DATE: 21JAN2003

PRIOR INMATE NO(S): SENTENCE START DATE: 05DEC2001  
DETAINER: NO ISSUED: TYPE: MORE PRIOR NO(S)? NO  
DISCRETIONARY PAROLE ELIGIBILITY DATE: CODE:  
MANDATORY PAROLE RELEASE DATE:

\*----- INMATE CLASSIFICATION(S) -----\*  
DATE REASON SCORE/OVER SECURITY DATE INMATE OFFENSE(S) -----\*  
INFRACTION DESCRIPTION

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VIRGINIA;  
IN THE CIRCUIT COURT FOR THE COUNTY OF YORK

COMMONWEALTH OF VIRGINIA

vs.

LAWRENCE JACOB STEPHENS,

Defendant.

Nos. CR02001689-01  
to CR02001689-10

Stenographic report of all the testimony, together with all the motions, objections, and exceptions on the part of the respective parties, the action of the Court in respect thereto, and all other incidents during the hearing in the above-styled cause, heard in the Circuit Court for the County of York, Virginia, on September 17, 2002, before the Honorable N. Prentis Smiley, Jr., Judge of said Court.

COPY

PRESENT:

Donna M. Maw, Esq.  
Counsel for the Commonwealth.

John C. Konstantinou, Esq.  
Counsel for the Defendant.

DEBORAH KLESS-JIMENEZ  
SCHNEIDER AND ASSOCIATES  
POST OFFICE BOX 22348  
NEWPORT NEWS, VIRGINIA 23609-2348

Filed in the Clerk's Office, Circuit Court, York Co., VA  
the 5<sup>th</sup> day of September, 2003  
by: Lynn S. Jenkins, Clerk  
1:30 PM  
DC.

EXHIBIT  
tabbler  
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(The court reporter was sworn.)

THE COURT: What's your pleasure  
this afternoon?

MS. MAW: Lawrence Stephens first,  
please, Judge.

(The Defendant entered the  
courtroom.)

THE CLERK: Commonwealth of Virginia  
versus Lawrence Jacob Stephens. Is the Commonwealth  
ready?

MS. MAW: Yes, ma'am.

THE CLERK: Is the Defendant ready?

MR. KONSTANTINO: Yes, ma'am.

THE COURT: This is on a motion?

MR. KONSTANTINO: Yes, your Honor.

There are two motions before the Court this  
afternoon -- and good afternoon, your Honor. Nice to  
be here again.

THE COURT: Thank you.

MR. KONSTANTINO: There is a motion  
filed by -- via a letter through my client asking that  
I be substituted, other counsel be appointed; and there  
is also a motion by -- filed by me for leave to  
withdraw.

THE COURT: Okay. And what is the

1 good cause that would require the Court to permit you  
2 to withdraw?

3 MR. KONSTANTINOU: Your Honor, I  
4 received a letter from Mr. Stephens -- I guess it came  
5 to the office on Saturday, but I saw it on Monday --  
6 accusing me of substantial professional misconduct. I  
7 looked at it. I spoke with the bar yesterday to get  
8 their opinion on what is the appropriate thing to do.

9 And, basically, they said, you know,  
10 you have to look at yourself; if you feel -- and I'll  
11 be glad to share -- if the Court wants to read the  
12 letter, I've got it. Basically he is accusing me of  
13 lying and cheating.

14 And, you know, you cannot have a --  
15 a working relationship with a client -- and it's his  
16 right. I mean, I'm not going to dispute his right to  
17 call me anything he wants. But when -- and I ask the  
18 Court to be mindful of the Court's private practice. I  
19 mean, you can't have your client call you a liar and a  
20 cheat and basically be not in a conflict of interest  
21 situation and -- and be able to represent the client  
22 with a good relationship. I mean, I --

23 THE COURT: Well, what would prevent  
24 Mr. Stephens from accusing any lawyer that would  
25 represent him of being a liar and a cheat and not

1 coming to trial ever?

2 MR. KONSTANTINOU: Well, I think if  
3 a pattern develops, the Court can read through the  
4 pattern.

5 THE COURT: Well, Mr. Konstantinou,  
6 I've known you for as long as you've practiced law.  
7 And you're one of the most forthright lawyers that I've  
8 met -- and there are many, but you are one of them. I  
9 have never, ever suspected that you misrepresented  
10 anything even when you are in a strongly adversarial  
11 position with the Court. You do not misrepresent them.  
12 And that would be an observation, if the Court may.

13 The cheating, I don't know what that  
14 has to do with; but as far as I know, you're a very  
15 upstanding and moral person, and cheating is not  
16 something I would ever suspect you of.

17 MR. KONSTANTINOU: And I do thank  
18 the Court for the Court's kind words, and I will advise  
19 the Court I have worked very hard in this case. I have  
20 tried my best. I have hopefully not exhausted the  
21 Commonwealth's patience. I hope I have used some of  
22 their goodwill, not all of it.

23 But, you know, I have -- when  
24 somebody accuses you, your Honor, of being a liar and a  
25 cheat, I mean -- and I thought about it, you know,



1 potentially you hear bar complaints that might come out  
2 of this. I don't know if I've got to notify my  
3 malpractice carrier. It's just, at this point, it  
4 seems to me the relationship is not what it should be,  
5 and these are the grounds for -- for my motion.

6 THE COURT: All right. Are you --  
7 you've looked within, obviously, as the bar has  
8 suggested. And do you perceive in any respect even an  
9 appearance of your professional conduct that would give  
10 Mr. Stephens reason to think that you have lied to him  
11 or cheated him?

12 MR. KONSTANTINOU: No, sir, I have  
13 done no such thing to the best of my knowledge.

14 THE COURT: So in your conscience,  
15 you are clear?

16 MR. KONSTANTINOU: In my conscience  
17 I am clear, but the bar said the appearance is  
18 important as well.

19 THE COURT: Absolutely the  
20 appearance is important, so I ask you to inquire  
21 within. Is the case set for trial?

22 MR. KONSTANTINOU: Yes, sir.

23 THE COURT: When is it set?

24 MR. KONSTANTINOU: Next Tuesday.

25 MS. MAW: With a jury.

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THE COURT: With a jury?

MS. MAW: Yes, sir. Judge, just as an aside, I might point out that the letter that Mr. Stephens wrote to the Court and thus to the Commonwealth indicates he's upset over discovery violations, which is incorrect. Discovery's been complied with.

I know Mr. Konstantinou has been out there to discuss discovery with Mr. Stephens. And I might just also add Mr. Konstantinou has zealously represented this particular client. And the Commonwealth's position is it's a delaying tactic by Mr. Stephens.

THE COURT: That's an adversary's position, I understand. I'm not an adversary. I try to look at the matter dispassionately.

MR. KONSTANTINO: I guess, your Honor, I'd say -- if I might have one -- I have been a faithful officer of this Court and -- have tried to be, and I have never had a client accuse me of these items, period. And I would feel extremely uncomfortable representing the Defendant in this matter after what he said.

THE COURT: When were you appointed, sir?

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MR. KONSTANTINOU: I was appointed in general district court sometime in the winter.

THE COURT: Well, you've been on -- on board with Mr. Stephens since the inception?

MR. KONSTANTINOU: Yes, sir.

THE COURT: And this accusation has surfaced over the weekend?

MR. KONSTANTINOU: The letter came in on Saturday. I opened it on Monday.

THE COURT: And that's on the eve of trial, basically?

MR. KONSTANTINOU: Basically.

THE COURT: Are you ready to try the case? Professionally, are you ready to try the case?

MR. KONSTANTINOU: As ready as we're going to get. But I would feel extremely uncomfortable doing it, your Honor. I will be fair with the Court and honest with the Court.

THE COURT: I understand. I understand your discomfort. That would not render you any less effective, I would suggest to you and to Mr. Stephens. Does this Defendant have codefendants?

MS. MAW: Yes, Judge. Friday we have another jury in front of Judge Nance with a codefendant. There was actually five codefendants.

1 THE COURT: Do you recall who the  
2 counsel is in that case?

3 MS. MAW: Mr. Twitty.

4 THE COURT: That's retained counsel?

5 MS. MAW: Yes.

6 THE COURT: Retained or appointed?

7 MS. MAW: I believe he's retained,  
8 Judge.

9 THE COURT: Mr. Stephens, are you  
10 going to hire a lawyer if I let Mr. Konstantinou go?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: You are going to hire a  
13 lawyer?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And do you know who  
16 you're going to hire?

17 THE DEFENDANT: Mr. George Paul  
18 Martin.

19 THE COURT: Paul Murray?

20 THE DEFENDANT: Martin.

21 THE COURT: Paul Martin?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Well, now, I'll permit  
24 you to hire a lawyer to replace Mr. Konstantinou.  
25 That's your desire?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Well, you're entitled to  
3 have counsel of your own choosing. How long is it  
4 going to take you to get him retained?

5 THE DEFENDANT: My family -- they've  
6 been talking to him over the weekend. My mother and my  
7 brother's supposed to be going down to his office  
8 sometime tomorrow morning.

9 THE COURT: Okay. Do you think he  
10 will be hired tomorrow?

11 THE DEFENDANT: Probably, sir. I  
12 can't say right now.

13 THE COURT: Okay. Well, why don't  
14 we continue the matter until Thursday, then, to  
15 determine whether or not he's hired counsel?

16 MS. MAW: Certainly, Judge. That  
17 would be fine.

18 THE COURT: All right.  
19 Mr. Konstantinou, at this point I have not relieved you  
20 of counsel; but Mr. Stephens indicates he's going to  
21 hire his own lawyer, which he is certainly entitled to  
22 do.

23 And you tell your family, if you  
24 will, sir, I've continued this matter until Thursday --

25 THE DEFENDANT: Yes, sir.

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THE COURT: -- with your representation they're going to meet with counsel tomorrow, hopefully retaining him. All right, sir?

THE DEFENDANT: Yes, sir.

THE COURT: And you come back here on Thursday morning. Can you transport him back on Thursday morning, nine o'clock, please.

THE DEFENDANT: Thank you, your Honor.

THE COURT: Mr. Konstantinou, you don't have to be here on Thursday morning. All right? I'll let you know whether or not you've been relieved.

MR. KONSTANTINO: And I would appreciate the Court -- I would feel very uncomfortable, after these allegations, representing this Defendant.

THE COURT: I read you loud and clear, Mr. Konstantinou.

MR. KONSTANTINO: Thank you very much.

(The proceedings were concluded.)

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CERTIFICATE OF COURT REPORTER

I, Deborah Kless-Jimenez, hereby  
certify that I, having been duly sworn, was the Court  
Reporter in the Circuit Court for the County of York at  
York, Virginia, on the 17th day of September, 2002, at  
the time of the hearing herein.

I further certify that the foregoing  
transcript is a true and accurate record of the  
testimony and other incidents of the hearing herein.

Given under my hand this \_\_\_\_\_ day of  
\_\_\_\_\_, 2003.

**COPY**

\_\_\_\_\_  
Court Reporter

**VIRGINIA: IN THE CIRCUIT COURT FOR YORK COUNTY  
AND  
THE CITY OF POQUOSON**

**COMMONWEALTH OF VIRGINIA** :

v. :

**DOCKET NO. 1689**

**LAWRENCE JACOB STEPHENS,** :

**Defendant** :

*THIS MEMORANDUM OF PLEA AGREEMENT* is presented to the Circuit Court for the County of York County and the City of Poquoson, in compliance with Rule 3A:8(c)(2) of the Rules of the Supreme Court of Virginia.

**PART I**

The Defendant currently stands charged with two (2) counts of Robbery, in violation of §18.2-58 of the Code of Virginia, (1950), as amended, each an Unclassified Felony; four (4) counts of Use of a Firearm while committing a Felony, in violation of §18.2-53.1 of the Code of Virginia, (1950), as amended, each an Unclassified Felony; two (2) counts of Abduction, in violation of §18.2-47 of the Code of Virginia, (1950), as amended, each a Class 5 Felony; one (1) count of Larceny of a Firearm, in violation of §18.2-95(iii) of the Code of Virginia, (1950), as amended, an Unclassified Felony; and one (1) count of Statutory Burglary, in violation of §18.2-90 of the Code of Virginia, (1950), as amended, a Class 2 Felony.

**PART II**

The Commonwealth of Virginia, by and through Donna M. Maw, Assistant Commonwealth's Attorney for York County and the City of Poquoson, and the Defendant, with the advice and consent of counsel, hereby agree as follows:

1. The Commonwealth will request an Order of Nolle Prosequi as to the one (1) count of Larceny of a Firearm (Indictment No. 5), one (1) count of Abduction (Indictment No. 7), and one (1) count of Use of a Firearm in the Commission of a Felony (Indictment No. 10).
2. The Defendant shall plead "Guilty" to the remaining indictments of two (2) counts of Robbery, three (3) counts of Use of a Firearm while Committing a Felony, one (1) count of Abduction, and one (1) count of Statutory Burglary; Indictment Nos. 1,2,3,4,6,8 and 9.
3. The Defendant also shall stipulate that the Circuit Court for York County and the City of Poquoson has jurisdiction over the charge and that, if presented, the Commonwealth's evidence would be sufficient to prove the Defendant's guilt to the charge, beyond a reasonable doubt.



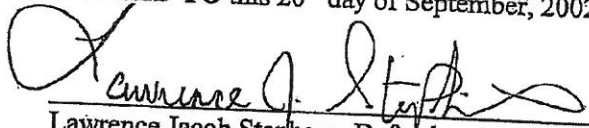


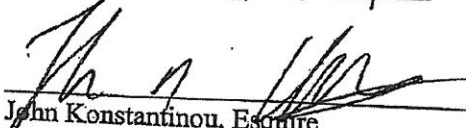
**PART III**

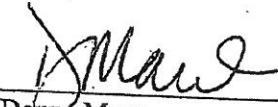
In accordance with the provisions of subparagraph (c)(1)(C) of said Rule 3A:8, the Commonwealth and the Defendant have agreed to jointly move the Court to order the preparation of a presentence report by the Parole and Probation Officer of the York/Poquoson Circuit Court and each reserves the right to argue the appropriate disposition of these cases at the sentencing hearing. The parties hereto understand and agree that the Court is not bound by and need not impose a sentence within the sentencing guidelines range, but may impose any sentence allowed by law. The Defendant understands that any estimate of the probable sentencing range under the sentencing guidelines that the Defendant may have received from the Defendant's counsel, the Commonwealth or any other source is, at most, a prediction and not a promise and is not binding on the Court. The Commonwealth makes no promise or representation regarding what sentence the Defendant will receive and the Defendant agrees that he cannot withdraw his guilty plea based upon the actual sentence received.

I, THE UNDERSIGNED DEFENDANT, HAVE READ AND REVIEWED THE TERMS OF THE FOREGOING AGREEMENT WITH MY ATTORNEY AND AGREE TO ABIDE BY ITS TERMS. I UNDERSTAND THE CONSEQUENCES OF MY FAILURE TO DO SO AND AM DOING SO FREELY AND VOLUNTARILY.

AGREED TO this 20<sup>th</sup> day of September, 2002.

  
Lawrence Jacob Stephens, Defendant

  
John Konstantinou, Esquire  
Counsel for Defendant

  
Donna Maw  
Assistant Commonwealth's Attorney

Accepted  
Filed  
9-23-02  
BS

000101

Reply to Alexandria office:  
100 N. Pitt Street  
Suite 310  
Alexandria, Virginia 22314-3133  
Telephone: (703) 518-8045  
Facsimile (703) 518-8052



# Virginia State Bar

Eighth and Main Building  
707 East Main Street, Suite 1500  
Richmond, Virginia 23219-2800  
Telephone: (804) 775-0500

Facsimile: (804) 775-0501 TDD: (804) 775-0502

July 19, 2007

PERSONAL AND CONFIDENTIAL

Mr. Lawrence J. Stephens  
Sussex I State Prison  
24414 Musselwhite Drive  
Waverly, VA 23891

Re: In the Matter of John Dimitrios Konstantinou, Esq.  
VSB Docket No. 05-060-1623

Dear Mr. Stephens:

Enclosed is a copy of the Subcommittee Determination (Private Reprimand) by the Sixth District Subcommittee of the Virginia State Bar issued to the Respondent.

A private reprimand is not a matter of public record. Under the Rules of the Virginia Supreme Court, this matter is confidential. I urge you to maintain its confidentiality.

Thank you for your cooperation with the committee.

Very truly yours,

Marian L. Beckett  
Assistant Bar Counsel

MLB/sen  
Enclosure

cc: Jennifer Lee Parrish, Convenor, Sixth District Committee  
Barbara S. Lanier, Clerk of the Disciplinary System



VIRGINIA:

BEFORE THE SIXTH DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF JOHN DIMITRIOS KONSTANTINOU, ESQ.  
VSB Docket Nos. 05-060-1623 and 05-060-2382

SUBCOMMITTEE DETERMINATION  
PRIVATE REPRIMAND WITHOUT TERMS

On the 28<sup>th</sup> day of June, 2007, a meeting in this matter was held before a duly convened subcommittee of the Sixth District Committee consisting of Richard Henry Stuart, Esq., John E. Graham, and Jennifer Lee Parrish, Esq., presiding.

Pursuant to Part 6, § IV, ¶ 13(G)(1)(d) of the Rules of Virginia Supreme Court, a subcommittee of the Sixth District Committee of the Virginia State Bar hereby serves upon the Respondent the following Agreed Disposition of a Private Reprimand Without Terms:

I. FINDINGS OF FACT

1. At all times relevant hereto John Dimitrios Konstantinou, Esq., (hereinafter the Respondent), has been an attorney licensed to practice law in the Commonwealth of Virginia.  
As to VSB Docket No. 05-060-1623
2. The Respondent was court-appointed to represent client Lawrence J. Stephens, (hereinafter the Complainant) in the Circuit Court of York County on charges of robbery, burglary, abduction and use of a firearm. The Complainant pled guilty to certain charges and was convicted of others.
3. At the Complainant's request, the Respondent appealed the convictions to the Court of Appeals. By order dated June 18, 2003, a single judge of the Court of Appeals denied

the Complainant's petition. A three-judge panel of the Court of Appeals subsequently denied the appeal by final order dated December 23, 2003.

4. By letter dated January 2, 2004, the Respondent timely informed the Complainant of the denial of his appeal. In the same correspondence, the Respondent informed the Complainant that he would further appeal the matter to the Supreme Court of Virginia. However, the Respondent failed to file a petition for appeal to the Supreme Court.

5. During an interview of the Respondent conducted on March 8, 2005, the Respondent stated to a Virginia State Bar investigator that he was solely responsible for the failure to timely file the petition to the Supreme Court due to a miscalculation on his part as to the date the petition was due.

6. The Respondent subsequently contacted attorney Charles Haden to request that he offer the Complainant assistance in filing a habeas corpus petition seeking the right to a delayed appeal. Mr. Haden agreed to provide such assistance.

**As to VSB Docket No. 05-060-2382**

7. The Respondent was court-appointed by the Circuit Court of the City of Williamsburg and the County of James City to represent an indigent client for an appeal of convictions for robbery, larceny, use of a firearm and credit card theft. Such convictions were finalized on August 4, 2003.

8. On September 5, 2003, the Respondent timely filed a Notice of Appeal on behalf of the client with the Virginia Court of Appeals. The Court received the trial record on October 6, 2003. The Respondent failed to file a Petition for Appeal in the case, and the appeal was dismissed on December 9, 2003.

9. During an interview of the Respondent conducted on March 8, 2005, the Respondent stated to a Virginia State Bar investigator that he was solely responsible for the failure to timely file the petition with the Court of Appeals due to a miscalculation on his part as to the date the petition was due.

10. The Respondent subsequently spoke with attorney John McLees to request that he offer the client assistance in filing a habeas corpus petition seeking the right to a delayed appeal. Mr. McLees agreed to provide such assistance.

## II. NATURE OF MISCONDUCT

As to VSB Docket Nos. 05-060-1623 and 05-060-2382:

The Subcommittee finds that the following Rules of Professional Conduct have been violated:

### **RULE 1.3     Diligence**

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.

## III. PRIVATE REPRIMAND

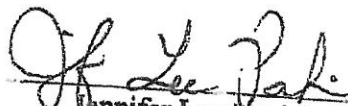
Accordingly, it is the decision of the Subcommittee to impose a Private Reprimand on the Respondent, and he is so reprimanded.

## IV. COSTS

Pursuant to Part Six, § IV, ¶ 13(B)(8)(c)(1) of the Rules of the Supreme Court, the Clerk of the Disciplinary System shall assess costs.

SIXTH DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

By:

  
Jennifer Lee Parrish, Chair

CERTIFICATE OF SERVICE

I certify that I have this 19<sup>th</sup> day of July, 2007, mailed a true and correct copy of the Subcommittee Determination (PRIVATE REPRIMAND WITHOUT TERMS) by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the Respondent, John Dimitrios Konstantinou, Esq., at 1321 Jamestown Rd., Suite 102, Williamsburg, VA 23185, his last address of record with the Virginia State Bar.

Marian Beckett  
Marian L. Beckett  
Assistant Bar Counsel

IN THE SUPREME COURT OF VIRGINIA

LAWRENCE JACOB STEPHENS, Inmate #

Petitioner,

v.

Record No. \_\_\_\_\_

DIRECTOR,  
VIRGINIA DEPARTMENT OF CORRECTIONS,

Respondent.

PETITION FOR WRIT OF HABEAS CORPUS

Instructions--Read Carefully

In order for this petition to receive consideration by the Court, it must be legibly handwritten or typewritten, signed by the petitioner and verified before a notary or other officer authorized to administer oaths. It must set forth in concise form the answers to each applicable question. If necessary, petitioner may finish his answer to a particular question on an additional page. Petitioner must make it clear to which question any such continued answer refers. The petitioner may also submit exhibits.

Since every petition for habeas corpus must be sworn to under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury under Section 18.2-434. Petitioners should, therefore, exercise care to assure that all answers are true and correct.

When the petition is completed, the original and two copies (total of three) should be mailed to the clerk of the court. The petitioner shall keep one copy.



NOTICE

The granting of a writ of habeas corpus does not entitle the petitioner to dismissal of the charges for conviction of which he is being detained, but may gain him no more than a new trial.

Place of detention: I am incarcerated at the Sussex I State Prison, 24414 Musselwhite Drive, Waverly, VA 23891-0003, which is in Sussex County, Virginia.

A. Criminal Trial

1. Name and location of court which imposed the sentence from which you seek relief: York County Circuit Court (N. Prentis Smiley, Jr., Judge).
2. The offense or offenses for which sentence was imposed (include indictment number or numbers if known): Two counts of robbery in violation of Va. Code § 18.2-58 (Indictment Nos. CR02001689-01 and CR02001689-03); three counts of use of firearm in the commission of a felony in violation of Va. Code § 18.2-53.1 (Indictment Nos. CR02001689-02, CR02001689-04, and CR02001689-09); one count of abduction in violation of Va. Code § 18.2-47 (Indictment No. CR02001689-08), and one count of burglary while armed in violation of Va. Code § 18.2-90 (Indictment No. CR02001689-06).
3. The date upon which sentence was imposed and the terms of the sentence: On December 12, 2002, Judge Smiley sentenced me to a life sentence on each of the two robberies, a life sentence on the armed burglary, a life sentence on the abduction,



three years on the first use of firearm, and five years on each of the other two use of firearms.

4. Check which plea you made and whether trial by jury:

Plea of guilty:   x  ; Plea of not guilty: \_\_\_\_\_;

Trial by jury: \_\_\_\_\_; Trial by judge without jury:   x  .

5. The name and address of each attorney, if any, who represented you at your criminal trial: John Konstantinou, Esq., 1321 Jamestown Rd Ste 102, Williamsburg, VA 23185-3373; telephone: (757) 253-0794; facsimile: (757) 229-4882.

6. Did you appeal your conviction? Yes.

7. If you answered "yes" to 6, state: the result and the date in your appeal or petition for certiorari and citations of the appellate court opinions or orders: On December 23, 2003, a panel of the Court of Appeals of Virginia denied my petition for appeal. *Lawrence Jacob Stephens v. Commonwealth of Virginia*, Record No. 0213-03-1. However, contrary to my wishes, Mr. Konstantinou failed to appeal the Court of Appeals decision to the Supreme Court of Virginia.

8. List the name and address of each attorney, if any, who represented you on your appeal: John Konstantinou, Esq., 1321 Jamestown Rd Ste 102, Williamsburg, VA 23185-3373; telephone: (757) 253-0794; facsimile: (757) 229-4882.

#### B. Habeas Corpus

9. Before this petition did you file with respect to this conviction any other petition for habeas corpus in either a State or federal court? No.

10. If you answered "yes" to 9, list with respect to each petition: the name and location of the court in which each was filed, the disposition and the date, and the name and address of each attorney, if any, who represented you on your habeas corpus: Not applicable.

11. Did you appeal from the disposition of your petition for habeas corpus? Not applicable.

12. If you answered "yes" to 11, state: the result and the date of each petition, the citations of court opinions or orders on your habeas petition, and the name and address of each attorney, if any, who represented you on appeal of your habeas corpus: Not applicable.

#### C. Other Petitions, Motions or Applications

13. List all other petitions, motions or applications filed with any court following a final order of conviction and not set out in A or B. Include the nature of the motion, the name and location of the court, the result, the date, and citations to opinions or orders. Give the name and address of each attorney, if any, who represented you: Not applicable.

#### D. Present Petition

14. State the grounds which make your detention unlawful, including the facts on which you intend to rely: I allege ineffective assistance of counsel by John Konstantinou, in violation of my rights under the Sixth and Fourteenth Amendments to

the U.S. Constitution, Article I, Section 8, of the Virginia Constitution, and Va. Code §§ 19.2-157, 19.2-159 and 19.2-326. I specifically asked my lawyer to appeal to the Court of Appeals and, if he lost in the Court of Appeals, to appeal my case to the Supreme Court of Virginia. However, Mr. Konstantinou failed to do so. Konstantinou failed to perfect my appeal to the Supreme Court of Virginia, contrary to my wishes. Mr. Konstantinou says that he will acknowledge that his failure to perfect my appeal to the Supreme Court of Virginia constituted ineffective assistance of counsel. See Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L.Ed.2d 674 (1984); Dept. of Corrections v. Clark, 227 Va. 525, 318 S.E.2d 399 (1984). The right to counsel on appeal "also comprehends the right to effective assistance of counsel." Evitts v. Lucey, 49 U.S. 387, 105 S. Ct. 830, 83 L.Ed.2d 821 (1985); Fitzgerald v. Warden, 4 Va. App. 371, 358 S.E.2d 576 (1987), rehearing en banc, 6 Va. App. 38, 366 S.E.2d 615 (1988); Dodson v. Director, 233 Va. 303, 355 S.E.2d 573 (1987) (counsel who fails to perfect a warranted appeal is ineffective); Brown v. Warden, 238 Va. 551, 555, 385 S.E.2d 587, 589-90 (1989) (criminal defendants have a statutory right of appeal from Virginia Court of Appeals to Virginia Supreme Court). Therefore, I ask that this Court grant my habeas corpus petition and enter an order granting leave to file a delayed appeal to the Supreme Court of Virginia from the final judgment of the Court of Appeals entered December 23, 2003.

15. List each ground set forth in 14, which has been presented in any other proceeding: None. List the proceedings in which each ground was raised: Not applicable.

16. If any ground set forth in 14 has not been presented to a court, list each ground and the reason why it was not: I have had no opportunity heretofore to raise the issue of ineffective assistance of counsel.

\_\_\_\_\_  
Signature of Petitioner

Address of Petitioner:  
Lawrence Jacob Stephens,  
Sussex I State Prison  
24414 Musselwhite Drive  
Waverly, VA 23891-0003

STATE OF VIRGINIA

COUNTY OF SUSSEX, to-wit:

The petitioner being first duly sworn, says:

1. She signed the foregoing petition;
2. The facts stated in the petition are true to the best of her information and belief.

\_\_\_\_\_  
Signature of Petitioner

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

This petition will not be filed without payment of court costs unless petitioner is entitled to proceed in forma pauperis and has executed the affidavit in forma pauperis. The petitioner who proceeds in forma pauperis shall be furnished, without cost, certified copies of the arrest warrants, indictment and order of conviction at his criminal trial in order to comply with the instructions of this petition.

AFFIDAVIT IN FORMA PAUPERIS

STATE OF VIRGINIA

COUNTY OF SUSSEX, to-wit:

The petitioner being duly sworn, says:

1. I am unable to pay the costs of this action or give security therefor;
2. My assets amount to a total of \$ \_\_\_\_\_.

\_\_\_\_\_  
Signature of Petitioner

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,

2004.

\_\_\_\_\_  
Notary Public

Charles E. Haden

Attorney at Law

Telephone (757) 825-0022  
Fax (757) 838-2062

1830 Todds Lane, Suite B, Hampton, VA 23666-3125

November 5, 2004

Lawrence J. Stephens, i  
c/o Sussex 1 State Prison  
24414 Musselwhite Drive  
Waverly, VA 23891-0003

Dear Mr. Stephens:

I am writing in response to your letter dated November 3, 2004. I have received the signed and notarized habeas petitions you sent me and I have already forwarded them to the Virginia Supreme Court for filing.

You asked whether it was uncommon for a first time offender to get three life sentences. Sad to say, it is not uncommon especially where the offense is violent and there is a jury trial.

I will let Judge Smiley know that I am available for appointment when the Supreme Court finally grants permission to file the delayed appeal. Although Judge Smiley does not normally appoint me to do York County cases, he might conceivably do it.

Sincerely,

Charles E. Haden



Re: Request for a Conditional Pardon by Governor's Office

Dear Governor Northam,

I hope this letter finds you well. My name is Lawrence Jacob Stephens and I am an inmate within the Virginia Department of Corrections. I am currently serving my eighteenth year of a three life terms plus twenty-three (23) years I was given for crimes that I committed such as (1) count of Statutory Burglary, (2) counts of Robbery, (1) count of Abduction, and (4) counts of Use of a firearm while in commission of a felony. I am writing to you today to respectfully request that I be granted a Conditional Pardon by your office.

On November 13, 2001, I entered the home of Mr.

and Mr. [redacted] a York County Virginia. The victims were duct taped and then robbed at gunpoint for five hundred fifty dollars (\$550) and personal items. I was later arrested and charged in the York County Police Department on December 5, 2001. After accepting a Plea Agreement which allowed me to plead guilty and take responsibility and accountability for the role I played in the crime I committed, I stood before the Honorable Judge Prentis Smiley in the York County Circuit Court and was sentenced to three (3) Life sentences plus twenty three (23) years, all of which no time was suspended. A presentence report was conducted, and my recommended guidelines was thirteen years; however, I was sentenced to serve the maximum time for each charge. At the time I committed my crime I was eighteen years old, and I had no prior juvenile or adult criminal record which made me a first-time offender and my sentencing guidelines was thirteen years (High, Low and Mid-Range.)

During the time I committed my crime I was a young eighteen-year-old kid expecting my second child. In 2001 when I turned eighteen (18) and while most of my friends from school were preparing for graduation in the upcoming months, I was struggling with trying to find a way to survive life. My mother kept reminding me every chance that she got that she was going to kick me out of her house after I turned 18. Nine months prior to my 18<sup>th</sup> birthday I found out that I had a daughter. I grew up in a neighborhood and community where I saw men abandon their children and responsibilities. I knew I wanted to be different and take responsibility for the children that I fathered.



The young lady that was pregnant with my child, [redacted] was raised on the other side of the tracks from the impoverished neighborhood I grew up in. Her parents were wealthy and educated people so when they found out that their teenage daughter and only child had a baby with me, they blamed me for the situation we were in. I fortified myself and ignored harsh words from her parents, because my only focus was providing for my daughter.

Things were very hard for [redacted] and me, and at one point we were homeless and living out of a car while she was pregnant. The neighborhood and community that I lived in back then was impoverished and did not provide many job opportunities for families and people that looked like me. When looking back I wish that I would've made better decisions rather than allowing myself to commit a crime that not only affected my life, but more importantly I caused the victims pain and suffering that they did not deserve. For that act, I am sorry and would like to express my condolences to those harmed by my hand. I was raised by a single parent home. Where my mother taught my siblings and I to always respect people and their property so my actions in this case was not a reflection of the morals and values that were instilled in me by my mother. When I found out that my girlfriend at the time was pregnant with our child, I honestly did not know what to do, who to talk to, or where to turn for help so when the idea was presented, I was misguided and ill-advised into what would help me and my daughter survive. I admit that I utilized irrational thinking at a time because I was abusing drugs and alcohol as well. I made the worst decision of my life.

I have been in prison for the past eighteen years of my life and there isn't a day that goes by where I don't think about M [redacted] and Mr. [redacted] and the pain that I caused them and their families. I have sat here in my cell on many of nights and asked myself "how would I feel if someone were to do that to my family?" There are times when I reflect on what I did to the victims in my crime and I am left with sadness. There is no amount of words that can fully express the degree of guilt, shame, and remorse that I feel for my actions and the crime I committed. Every day I wish that I could somehow erase the events that took place. I regretfully cannot, it is a memory and burden that I will have to live with for the rest of my life. I admit that what I did was wrong and I take full responsibility and accountability for the role I played in the crime I committed; I was an eighteen-year-old boy who made the worse decision of his life. Although my actions were incredibly destructive, I am very thankful that no one was killed or



physically injured because of my poor decision making. I do think that I deserve to be punished for what I did, but I should not have to spend the rest of my life in prison for a crime that I committed when I was basically a juvenile and that did not result in a loss of life. I have exhausted any and all remedies to appeal, I am not eligible for parole, and because I entered into a plea agreement, I cannot ask the courts to hear my case. In 2017, I filed a conditional pardon with the Governor's office to request that I be considered for early release, but as of today I have not received a response to my petition. A conditional pardon is the only option I have left to regain my freedom.

Throughout my period of incarceration, the past eighteen years and counting I have learned and experienced life lessons that has helped me mature. I am no longer the eighteen-year-old boy I was when I first came to prison. I have now developed critical thinking, interacting, and coping with people and situations that were undeveloped in the adolescent years of my life. I have enrolled and completed several programs such as substance abuse, which has taught me the importance of refraining from drugs and other substances that will weaken me and make me less capable of providing for myself, my family, and my community who needs me to be a strong leader and positive role model. I have also completed classes such as Anger Management, Motivational Enhancement Therapy, and Cognitive Processing Therapy which in those classes I learned how to control my anger by controlling my thoughts and emotions which is the key to making rational decisions. I also learned how to channel my energy through positive thinking and behavior that not only affects me, but others for whom I interact with on a daily basis. Although Cognitive Processing Therapy was probably the most difficult of them all, it was the most rewarding because it allowed me to address the trauma that I experienced as a child and being able to confront that pain gave me strength and provided me a comfort and relief that freed my mind and spirit. Today I feel like I am a better man, because of the things I was able to learn about myself while being in that class. Through ServSafe I learned key points that has taught me how to maintain and manage any place of business within food service and I even managed to successfully obtain my GED. I have become a mentor to the younger prisoners and I strive to teach them that in life you have choices and the key to success, regaining your freedom and keeping your freedom is all about one's ability to make the right choices. I have a loving family and friends who will serve as a strong support system when I am released back into society and they will have a tremendous impact and influence on my life and the goals I have set for myself

post prison. I will also have a stable home with my sister, My sister  
a business owner so I will have employment that will provide me with a steady  
income to support my essential needs. I plan to invest my time towards youth groups that  
promote education and job training skills, mental Health awareness, leadership skills, and the  
prevention of gun violence, gangs, drug abuse, and domestic violence. Children who grow up in  
neighborhoods, communities, and environments similar to mine, often find themselves in bad  
and risky situations where they feel like the only way to solve their problems is by committing  
crimes. I want to help change that narrative and offer solutions that will inspire and promote  
positive change. We cannot expect the behavior of our youth to change if the soils of their young  
minds aren't tilled with meaningful information that will help them advance rather than hold  
them back. Our children are our greatest asset and link to the future, and they must be nurtured,  
respected, loved, protected, and educated. Last but not least I want to have the opportunity to be  
something to my children that I never had growing up and that is a father. I have made decisions  
in my life that has not only affected me, but it affected my children as well and in order for me to  
be the man that I want to be in life I must do everything I can to make things right with my  
children. I have sat here over the years and missed out on so many important events in their  
childhood such as birthdays, holidays, their first days of school, swimming lessons, and band  
performances, etc. My little girls are now young women and although, I cannot get the time back  
that I have lost, at this point I just want to be able to establish a bond and healthy relationship  
with my daughters and create new memories with them.

In closing, I thank you for accepting and reading my letter today Governor Northam. I  
ask in good faith that my conditional pardon be granted by your office so that I may be given a  
second chance in society to live my life as positive and productive citizen. Take care and may  
you and your family be safe and blessed.

Sincerely,

Lawrence Stephens

Lawrence Jacob Stephens  
Sussex II State Prison  
24427 Musselwhite Drive  
Waverly, Virginia 23891

# SENATE OF VIRGINIA

**DAVID W. MARSDEN**  
37TH SENATORIAL DISTRICT  
PART OF FAIRFAX COUNTY  
P. O. BOX 10883  
BLRKE, VIRGINIA 22009



COMMITTEE ASSIGNMENTS:  
AGRICULTURE, CONSERVATION AND  
NATURAL RESOURCES  
LOCAL GOVERNMENT  
TRANSPORTATION

Tonya Chapman  
Chair of Virginia Parole Board  
6900 Atmore Drive  
Richmond, VA 23225

Dear Chair Tonya Chapman:

I am writing you to ask you to review the case of Mr. Lawrence Stephens -- who is currently incarcerated at Sussex II State Prison in Waverly, Virginia. He was sentenced to 3 life sentences at the age of 18 years old. Having reviewed his case, I believe he was handed a sentence that far exceeds the offenses committed.

During his time being incarcerated, he has earned numerous certificates and has demonstrated a desire to turn his life around. I ask that you give him a realistic chance to make something of his life. He has earned his GED and earned respect from officials at the prison.

I sincerely thank you for your time and attention to this matter.

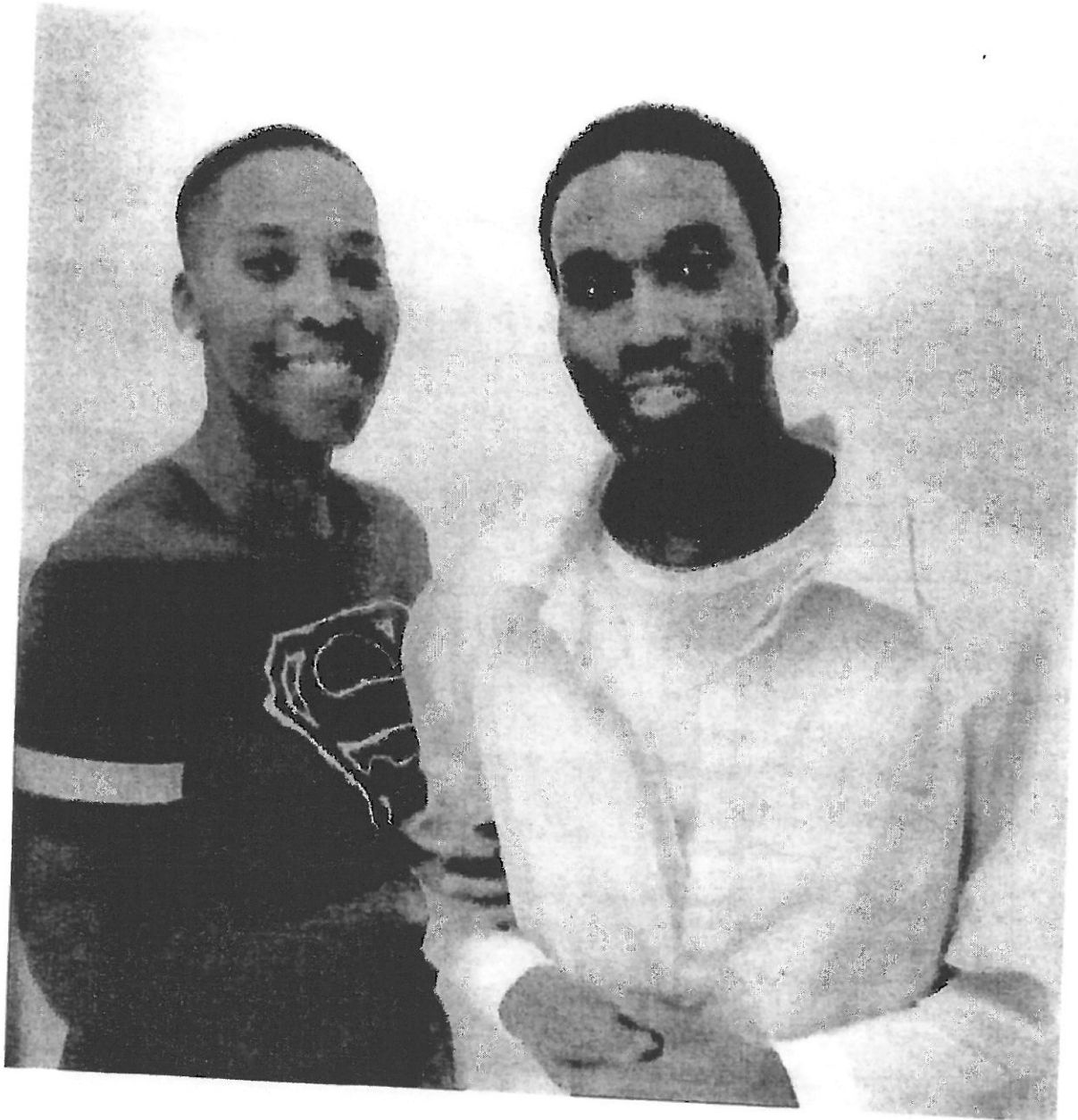
Respectfully Yours,

A handwritten signature in cursive script that reads "Dave Marsden".

Dave Marsden  
Senator, Virginia Senate  
37<sup>th</sup> District



# SUPPORT LETTERS FROM FAMILY AND FRIENDS



20  
November 19, 2020

Dear Honorable Parole Board,

My name is Tanya Patrice Smith. I am the wife of the Assistant Pastor of the Gospel Spreading Church of God located in Hampton, Virginia. He and I are blessed to serve in a number of roles with youths and adults within the church on a local and national level.

Regarding Lawrence Jacob Stephens, whom I call Jacob, I initially came to know him during his infancy. (Our families attended the same church for a few years until his family relocated to the Hampton Roads area.) Several years had gone by and I, eventually during my first marriage, moved to the Hampton Roads area. I was blessed to reconnect with him and his family. Of course, the children were much older by this time.

Jacob and his sister occupied a special place in our heart (and still do.) They were like our "adopted" children. They ate with us, did work around our home, watched our daughters, went on family vacations and so on. There was never a dull moment with them around and we loved it!

Fast forwarding a few years, when we were made aware of the charges that were being brought upon Jacob, we could not believe it! That was not the Jacob we knew. As I recall the day he was sentenced; I was in total disbelief. The Judge stated Jacob's case was his last case and that he was going to go out with a "bang". He also stated that he was going to make sure Jacob never saw the light of day again. When he gave the number of years Jacob was to serve, I literally had to leave the court room to keep from breaking down. In regards and respect to the rule of law, and from a civilian standpoint, I believe Jacob was given an unjust sentence by an unfair judge.

After serving several years, today, I am asking that you grant Lawrence Jacob Stephens parole. He has a positive circle of family members and friends who will provide the needed support upon his release.

I thank you for the opportunity and pray that he is granted parole.

Sincerely,

Mrs. Tanya Smith  
Email

Tracy Stephens

Charlotte, NC 28273

November 16, 2020

Dear Parole Board,

My name is Tracy Marie Stephens. Lawrence Stephens is my brother-in law. I first met Lawrence in 2011, through his sister, I have visited Lawrence in person on many occasions and held phone conversations with him over the years. I am a wife and mother with a career in the telecommunications field. I am a Supervisor of 16 yr. old and 2 yr. old and I are raising 3 children. 17 All of which have spoken to Lawrence on the phone as well over the years. We reside in a suburban town called North Carolina. It is 20 minutes outside of the city of Charlotte. Quiet neighborhoods lined with sidewalks and plenty of fresh air to breathe.

The reason I am writing is because I believe my brother-in law should be released. I am aware of the crime he committed at the age of 18. I do not believe the length of time he was given was fair. My brother-in law stands to spend the rest of his life in prison for a crime he committed almost 20 years ago. In comparison to who he is now, he was just a kid who made a terrible mistake. I believe him to be a changed man who understands that his actions have repercussions, but to spend the rest of his life in prison just seems cruel and unfair.

Should the Board see fit to let Lawrence live the remainder of his life as a free man and I are prepared to support him as he transitions to life on the outside. We own a 5-bedroom home in NC. This home offers a guest bedroom accommodation. owns her own business as a photographer and videographer. She has clients ranging from individuals to families and the Chamber of Commerce. She is in a position to offer Lawrence a job as he gets back on his feet. I love Lawrence. My hope is that he is given the chance to redeem himself of his short comings as a teen and live a free life as the man he is today. I vow to support him in any way that I can.

Sincerely,

Tracy Marie Stephens

Dear Honorable Members of the Parole Board,

My name is Traletta D. Banks I am a Career Advisor for North Carolina's Workforce System. I am located in the Mecklenburg County Detention Center, where I assist individuals with criminal records, who are transitioning back into the community. I also recently started my own community organization named Erika's Closet. Erika's Closet provides formally incarcerated individuals with clothing and toiletries needed to reach their professional and personal goals. Mrs. is an active board member for my non-profit organization. She has supported not only our mission, to support formerly incarcerated returning community members, but she has also made a mission to support her brother.

I am writing you in reference to Lawrence Jacob Stephens, who is a, first time offender, serving multiple life sentences at Sussex State Prison, for a crime he committed at the young age of 18. I have known Mr. Stephens family now for over 10 years. Even though, Lawrence's past decisions has resulted to his incarceration, his family is supportive and has been his entire sentence. His incarceration has put a strain on the dynamic of his family, but they are still standing strong together in his support. Upon on his release, I am certain that his family and close friends of the community, will be there to support Lawrence as he reenters our community. He also has children, who have missed their father's love and support. His children are now young adults and could use their father's guidance and wisdom to help them through their life journeys.

I am writing to ask the honorable members of the parole board to allow him to have a second chance and consider him for parole. I believe as a first-time offender, that multiple life sentences for an 18-year-old, who had never had any other convictions, deserves another chance at life. He has already served nearly 20 years of his sentence, while his children and family are enduring this painful journey. I know that with your decision of allowing Mr. Stephens a second chance that his family would be of great support, financially, emotionally.

I myself have a criminal record, and someone gave me a second chance to be in the position I am in today. I believe that if the members of the board would consider Lawrence's release, that he too will make a great impact in his community and family.

Thank you for your consideration and please feel free to contact me if there are any questions.

In Solidarity,

Traletta Danielle Banks- Founder/Visionary of Erika's Closet

Charlotte, NC 28269

Dear Governor Ralph Northam,

My name is Celanese Bozeman and I was born and raised in Hampton, Va. I currently reside in northern Virginia and have been working with numerous Department of Defense and Department of Homeland Security agencies as a federal employee and contractor in the field of Cyber Security. I went to college to attain a bachelors' in Computer Science from Shaw University and masters' degree in Computer Science from North Carolina A&T State University. As an undergrad, I was on a full basketball scholarship for North Carolina State University for 2 years and transferred to a full basketball scholarship Shaw University. I have been a friend of the Stephens family for 20 years. I am best friends with [redacted] which is Lawrence's younger sister and I were inseparable as teenagers. We grew up together, played sports, shared many memories and crew to love each other's family unconditionally. We are actually are more than friends, we are family. Blood could not made us any closer.

The purpose of this letter is to reach out and speak on the behalf of Lawrence Stephens. I was 13 when I met Lawrence and I still remember his charisma, energetic character and creativity. Lawrence radiates positive energy to his environment. Lawrence's positive energy has compounded with his wisdom to form a spirit that heals all around it. He still has the same personality which we love. As a longtime friend of the family, he has my full support. I have emotionally and spiritually supported the family and look forward to the day Lawrence is release to start life with a second chance. Considering we are family; I would continue to support in any way possible. He has grown so much as a man and I truly believe he can do a lot of good in the community. Yes, he has made mistakes, but that does not and should not define him as a person. His spirits are high and outlook on life has changed drastically in a positive manner. As mentioned, we look forward to the day he is home to be a part of something bigger than himself. Positive change to learn, grow and help others.

Please reconsider Lawrence Stephens release. We believe through his mistakes; the punishment has been received and we support a fresh start. Not starting from scratch, but from experience and growth. Thank you for taking the time to read this letter.

Sincerely,

Celanese Bozeman

Email:



Dear Governor Ralph Northam of Virginia,

I am writing this letter on behalf of Lawrence Jacob Stephens. I am writing in hopes that this young man will be considered for early release. I have hopes that his case can be reexamined. Lawrence was a young man that was taken away from his family and friends by a mistake he made 20 years ago. This young man made a bad decision, but to be sentenced to eighty-three years was breathtaking. Lawrence deserves another chance at society, being a first-time offender with no fatalities in his crime, I believe his sentence was unjust and cruel. Lawrence is a man that is full of life and has learned and grown so much over the years by educating himself during his incarceration. He has become a wise man. Lawrence still has a full life ahead of him, leaving his past behind him and moving forward to greatness. Lawrence was raised by his mother after his father passed from sickness when he was a young child. His mother was a pillar of the community and the backbone of her church, where she raised Lawrence and instilled him with respect, values, and morals. Lawrence was in the junior choir and also in the youth bible drill team. Lawrence was a great child with a great childhood that when became a teenager engaged himself with the wrong friends that one night made a horrible decision that gave him his first offense that led him to prison. Lawrence is not just another prisoner. Lawrence is a man that I strongly believe, if given a second chance at society, will be another success story. Myself and the rest of his family as well as the community stands with Lawrence and supports him.

Jennifer Yvonne Powell

Email:

Dear Honorable Virginia Parole Board Members,

I am honored and humbly coming before the parole board asking for an opportunity to share my knowledge of offender Lawrence Jacob Stephens. I am related to Jacob through his daughter

I am Teresa Armstrong, I work as a Mental Health Tech. I have recently completed my studies in Human Services / Substance Abuse Counseling Assistant. My job and passion are helping others. I volunteered with many non-profit organizations. I have formed many great relationships with other positive individuals that enjoy helping ex-offenders with the re-entry process of transition back into society. The organizations provide mentoring along with help with food and clothing, resume writing, computer skills and life skill training.

I have known Jacob his entire life. I have been a part of Jacob's life since he was a child. I attended church with Jacob throughout all of my teenage years. Jacob and I have shared a close helping, nurturing relationship. This allows me to informatively speak about the changes and growth that Jacob has shown throughout his incarceration. Jacob has used his time in prison to reflex on his bad choices and the crime that he committed. Jacob was a young teenager at the time of this offense. He and I know the seriousness of his crime. He has never made light of what he has done and the pain and hurt he caused to the victims of this senseless crime. He has shared with me many times how he is remorseful for his crime he committed and how it has affected him and certainly others. Jacob has lived several years with the shame of disappointing his mother and family. Jacob has actively used the services provided by The Department of Corrections to process and endure the harsh punishment that was given to him for his crime.

Jacob has suffered and has had to receive professional mental health services to cope with the pain and guilt that he has experience as a teenager due to the nature of his crime. Jacob shares with us how he has grown mentally and spiritually. Jacob has ask the lord for forgiveness, which was granted by the word of God ; *"O'Lord remember not only the men and women of goodwill, but also those of ill will ". Be forgiven of other's.* We are asking the board members to consider Jacob's age and maturity level of a teenager. He was very gross with his action. We as a family are asking the Va. Parole Board for clemency and empathy towards his children. We are pleading for Jacob to come home. Please allow Jacob to be a part of society as the man he is today. Jacob is not a threat to society.

We as a family and his church members are asking the Va. Parole Board to release Jacob and allow him to come home to his daughter's and other family members. Jacob successfully completed many programs and has earned his G.E.D. He has utilized the rehabilitation services, mental health services which have allowed him to forgive himself and openly acknowledge the seriousness of the crime he committed. Jacob has made peace with God and himself. At this time as an adult with a rational mind Jacob is pleading to go home and live a productive life with his young children. Jacob's children need him home to provide guidance, emotional support and to become gainfully employed so he can contribute to their well-being. Jacob will be able to provide for his family. He has support from the church members and community waiting to assist him with a job offer.

We are asking the board to have empathy not only for Jacob but also for his children. Our communities are stronger and benefit overall with parents in the home with their children providing guidance and structure. We all will benefit from this in society. In closing we are fully aware that the responsibility of the Va. Parole Board is to ensure the safety of the commonwealth and its citizens. To

Lawrence Jacobs Stephens DOC

D.O.B

the Honorable Board Members. Jacob has been punished for nearly 20 years. He has received therapy and is rehabilitated. Please let Jacob come home and not spend the rest of his life in prison.

Sincerely, Teresa Armstrong

Contact number

Dear Governor Northam,

My Name is Katrina Jiles and I met Lawrence Stephens approximately 6 years ago and I have stayed in contact with the family over the years. He has been actively involved with mentoring my daughter who is a young adult in the community playing basketball and attending high school. Jacob has always been respectful and a humble individual when in conversations with him. He has always been a great role model in our lives sharing his experiences starring my daughter and young people in the right direction yet not judging them but informing them to make better decisions in their lives. Jacob reminded them that their mistakes do not define them. Jacob expressed that they are still eligible to have a bright path, and he reminded them that no road they walk is smooth. Jacob is an amazing person with great morals and a positive attitude. Jacob has been active in assisting the youth in my home. I have 4 children; one girl and 3 boys and Jacob has been very helpful with words of wisdom and guidance. With that being said, the purpose of this letter is to provide a character reference for Jacob whom I have known personally for quite some time. I describe Jacob precisely as honest, loyal, and extremely considerate of others and has always remained dedicated to coaching my daughter to follow her dreams in basketball. Jacob believes in her ability amongst other things, that she will be able to attain any goal she desires. As Jacob sees my daughter, I see in him, I humbly ask of you to please consider Jacob for an early release through a conditional pardon. Thank you for your time and consideration.

Sincerely Yours,

Mrs. Katrina Jiles

Dear Governor Ralph Northam

My name is Pastor Mark A. Armstrong and I have been a youth Pastor for 30 years. I currently volunteer as a Chaplin at Maury State Prison in North Carolina. I have known Jacob Stephens the majority of his life. I testified before the court on the behalf of Jacobs character when his court was in session. A lot of time has passed since his conviction. The state has had control of Jacob for quite some time. I believe to keep this young man, whom was given 86 years for a crime in which no lives were lost, will now constitute cruel and unusual punishment. I request from you Governor Ralph Northam of Virginia to act with compassion and release Jacob.

As a marine and an officer in the United States Army I know order. I have faced many hardships and overcame them. For those hardships and difficult times, I have vanquished I find comfort and satisfaction in knowing I did not let them defeat me. Often times when I reflect on the hardships that I faced, I am reminded of Jacob, for whom wasn't so lucky to overcome his hardships. I believe in Jacob; I see how he has been molded into a man that is worthy of his freedom. I am requesting that Jacob be released early though a conditional pardon, so that he may return home and continue serving his community. Thank you, and god speed.

Sincerely

Mark A. Armstrong, SPHR

Pastor and Probation Ministries

Kem Ministries



COMMONWEALTH OF VIRGINIA  
Department of Corrections

HAROLD W. CLARKE  
DIRECTOR

P.O. BOX 26923  
RICHMOND, VIRGINIA 23264  
(804) 741-6000

August 6, 2021

Lawrence Stephens,  
Sussex II State Prison  
24427 Musselwhite Drive  
Waverly, VA 23891

RE: \_\_\_\_\_ Transfer

Mr. Stephens:

This letter is in response to your inquiry On 7/28/21 about the above-referenced charge.

A *Penalty Offer* was made to you for this charge on 5/25/21, after the notice for a re-hearing was received by the facility. You rejected this offer. The original hearing date was set for 6/3/21. A total of three (3) postponements were noted for 6/14, 6/16, and 6/23. The charge was then heard on 7/6/21, and Hearings Officer Brown indicated that you would be given an Informal Resolution, with an assessed penalty of a Reprimand.

You are correct that this charge was not heard within 30 calendar days, as there is no indication of an approved Continuance. Therefore, the charge will be marked as dismissed/overtured.

I also received your letter on 7/25, and I want to thank you for your kind words. Transfers are not something that our unit handles; however, I did contact someone in the Classification Unit. Your request for transfer is still pending. The COVID pandemic restricted many moves. All regular transfers were put on hold, but I gradually things will return to some normalcy, and you should transfer.

I trust this will answer your concerns.

Sincerely,

Karen Stapleton  
Inmate Discipline Manager

