

SUPREME COURT OF VIRGINIA

Williams v. Commonwealth, 265 Va. 268

576 S.E.2d 468 (2003) · No. Record No. 021591 · Decided February 28, 2003

SUMMARY

The Supreme Court of Virginia held that Code § 18.2-270 permits felony enhancement for a third DUI offense committed within ten years even when the defendant had not yet been convicted of the second DUI offense when the third offense occurred. The court affirmed the Court of Appeals' judgment upholding Henry Magruder Williams's conviction.

CASE DETAILS

COURT	Supreme Court of Virginia
WRITING FOR THE COURT	Barbara Milano Keenan; Chief Justice Hassell; Justice Lacy; Justice Keenan; Justice Koontz; Justice Kinser; Justice Lemons; Senior Justice Carrico
JURISDICTION	Virginia
DECIDED	February 28, 2003
DOCKET	Record No. 021591
DISPOSITION	affirmed
PROCEDURAL POSTURE	Williams was convicted in a bench trial in the Circuit Court of the City of Richmond of felony DUI under Code §§ 18.2-266 and 18.2-270. The Court of Appeals of Virginia affirmed, and the Supreme Court of Virginia granted review.
STANDARD OF REVIEW	The Supreme Court reviewed the legal interpretation and application of Code § 18.2-270 and whether the evidence supported the felony conviction.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Virginia
PARTIES	Henry Magruder Williams v. Commonwealth of Virginia

TOPICS

- statutory interpretation
- plain meaning rule
- sentencing
- criminal procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Code § 18.2-270 permits felony enhancement for a third DUI offense committed within ten years when the defendant had not yet been convicted of the second DUI offense at the time the third offense was committed.
2. Whether the evidence was sufficient to support Williams's conviction for felony DUI.

HOLDINGS

1. Code § 18.2-270 permits enhanced punishment as a Class 6 felony for a third DUI offense committed within ten years even when the defendant was not convicted of the second DUI offense before committing the third offense.
2. The evidence was sufficient to support the trial court's determination that Williams violated Code § 18.2-266; his challenge concerned only the enhanced-punishment provision.

KEY QUOTATIONS

“The statutory language before us is unambiguous and demonstrates the General Assembly's intent to authorize punishment for a Class 6 felony when a defendant has committed three or more DUI offenses under Code § 18.2-266 within a ten-year period.” (265 Va. at 270)

“This punishment is activated, in the language of the statute, by a defendant's conviction of a third or subsequent “offense committed within ten years.”” (265 Va. at 270)

“Thus, in accordance with this reasoning and with the plain meaning of Code § 18.2-270, we hold that the Court of Appeals did not err in concluding that Code § 18.2-270 permitted enhanced punishment for a third DUI offense based on Williams' conduct of May 19, 2000.” (265 Va. at 270)

FACTUAL BACKGROUND

Williams was convicted of DUI in October 1994. In March 2000, he was charged with DUI, second offense, with trial scheduled for May 31, 2000; while awaiting that trial, he committed another DUI offense on May 19, 2000. He was later convicted of the March offense, and the Commonwealth obtained a nolle prosequi of the charge arising from May 19. Williams was subsequently indicted for the May 19 offense as a felony DUI based on two like offenses within ten years.

PROCEDURAL HISTORY

Williams was indicted for operating a motor vehicle while under the influence of alcohol after having committed two like offenses within ten years. The circuit court denied his motion to strike, which argued that he had only one prior DUI conviction when the charged offense occurred, and convicted him. The Court of Appeals affirmed, holding that Code § 18.2-270 did not require conviction for the second DUI before commission of the third offense. The Supreme Court of Virginia affirmed the Court of Appeals.

DISPOSITION

affirmed

CASES CITED

- Williams v. Commonwealth, 38 Va. App. 414, 415, 419, 421, 565 S.E.2d 328, 329-31 (2002)
- Vaughn, Inc. v. Beck, 262 Va. 673, 677, 554 S.E.2d 88, 90 (2001)
- Thomas v. Commonwealth, 256 Va. 38, 41-42, 501 S.E.2d 391, 393 (1997)
- Mozley v. Prestwould Board of Directors, 264 Va. 549, 554, 570 S.E.2d 817, 820 (2002)
- Caprio v. Commonwealth, 254 Va. 507, 511-12, 493 S.E.2d 371, 374 (1997)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/virginia-supreme-court-of-virginia/2003/williams-v-commonwealth-265-va-268-akyfcd40>