VIRGINIA:

IN THE CIRCUIT COURT OF STAFFORD COUNTY

JOHN JAY CARROLL,

Petitioner,

v. Case No.: CL08001222-00

GENE M. JOHNSON, DIRECTOR
VIRGINIA DEPARTMENT OF CORRECTIONS,

Respondent.

ORDER

On this day the Court considered the Petitioner's Petition for a Writ of Habeas Corpus, the Respondent's Answer and Motion to Dismiss, and the arguments presented therein.

UPON CONSIDERATION WHEREOF, it appears to the Court that the Petition should be denied and dismissed. This Court does not have habeas corpus jurisdiction over Petitioner's claim because even a result in his favor would not result in his immediate release from confinement. Further, according to the affidavit evidence presented to the Court, the Petitioner has been properly credited with time he spent in jail towards his sentence in another state. It is therefore

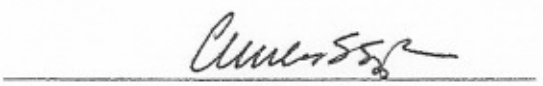
ADJUDGED, ORDERED and DECREED that Respondent's Motion to Dismiss is GRANTED and Petitioner's Petition for a Writ of Habeas Corpus is hereby DENIED and DISMISSED.

Pursuant to Rule 1:13 of the Rules of the Supreme Court of Virginia, endorsement of the Petitioner is waived, and his objections and exceptions are duly noted.

JC
A/G

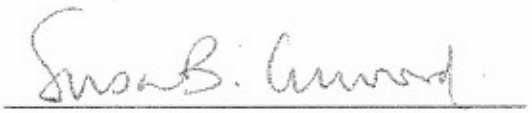
It is further ORDERED that the Clerk of this Court shall send an attested copy of this order to the Petitioner and to counsel for the Respondent.

ENTER: 11/7/08



Judge

I ASK FOR THIS:



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