

**VIRGINIA:**

*In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Monday the 21st day of December, 2020.*

Brian David Hill, Appellant,

against Record No. 200267  
Circuit Court No. CL19000331-00

Commonwealth of Virginia, Appellee.

From the Circuit Court of the City of Martinsville

Upon review of the record in this case and consideration of the argument submitted in support of the granting of an appeal, the Court refuses the petition for appeal. Brian David Hill challenges the judgment of the Circuit Court of the City of Martinsville dismissing his petition for a writ of habeas corpus. On November 18, 2019, Hill filed a petition for a writ of habeas corpus in the circuit court challenging his misdemeanor conviction for indecent exposure. In his petition, Hill indicated that on November 15, 2019, he received a sentence of 30 days in jail and that, at the time of filing, he was not in custody or under any type of probation or suspended sentence from his indecent exposure conviction. Because Hill had fully served his sentence at the time he filed his petition, the circuit court lacked jurisdiction to award habeas relief under Code § 8.01-654. *See Escamilla v. Superintendent*, 290 Va. 374, 380-81 (2015) (holding that detention is jurisdictional in habeas corpus, and jurisdiction must exist at the time the petition is filed). Accordingly, the Court is of the opinion there is no reversible error in the judgment below.

The rule to show cause previously entered herein is discharged.

A Copy,

Teste:

Douglas B. Robelen, Clerk



By:

Deputy Clerk