

consecutive[ly]' under Code §18.2-53.1”). This ruling by the Virginia Court of Appeals was later overruled by the Virginia Supreme Court. The Supreme Court would adjudicate that the plain language of the statute does not, however, require that any sentence imposed pursuant to it be run consecutively with punishment received for a crime other than the primary felony. Thus, Code §18.2-53.1 does not specifically prohibit multiple sentences for use or display of a firearm from being run concurrently with each other. (*Brown v. Commonwealth* 284 Va. 538, 733 S.E. 2d 638(2012)). As well, the Virginia Supreme Court explained that “if it desired, the legislature could have stated that sentences imposed pursuant to Code §18.2-53.1 may not run concurrently, but it did not” (id; 284 Va at 544, 545) The Supreme Court also said “when the General Assembly includes specific language in one statute, but limits that language from another statute, [courts] must presume that the exclusion of the language was intentional”(id; 284 Va. 545). As a result, nothing in §18.2-53.1 could have directed Shea's sentencing court, or any other court for that matter, to impose a mandatory sentence of 4 consecutive counts of §18.2-53.1 to anything but the primary felony.

Shea has no course of action to seek relief for this sentence that was imposed on him for having a BB gun and pleads with this honourable office to use its power on his behalf and grant him clemency.

At the time of his court trials, Shea was offered a plea deal of 13 years for his involvement in the robbery which he declined. His codefendant was sentenced to 13 years to serve for his involvement. If the Commonwealth felt that 13 years was adequate for the crimes committed why did they then turn around and give Shea 4 separate life sentences and 18 years? There is a saying, “mercy emboldens the evil man.” Shea is not an evil person. He acknowledges his part in the robbery and regrets it more than he regrets not owning up to it and refusing to take the plea. When you view the table, of Shea's convictions, ask yourself two questions: “Is the time given to Shea adequate for the crime committed?” and “Is the sentence he received excessive?” There are individuals who have taken a person's life in cold-blooded acts of violence and have not received the amount of time Shea was given on the embezzlement charge alone.

In this case the State has a situation where there was no homicide and no physical injuries. The victims in this case were held at gunpoint for less than 15 minutes with a BB gun while Shea and his accomplice took cash from the safe. In the other case of embezzlement, the State has another situation where there was no homicide and no physical injuries, just once again, cash being taken. For his terrible indiscretion, Shea could now spend 58 years of his life in prison. The Court expects states to offer a “meaningful opportunity for release,” and we