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080608 commonwealth v. rucker 08/23/2008 in proceedings under the sexually violent predators act the circuit court erred in ruling that due process required application of the standard set forth in commonwealth v. baker, 26 va.app. 717, 616 s.e.2d 249 (2005), to ascertain whether the nature of a person suffered from a mental abnormality or personality disorder because such a standard was not applicable to an adjudication of that issue. 080520 superintendent of the wards v. herring 08/02/2008 in a proceeding in the circuit court in which the court assessed a fine and suspended the license of a public school bus driver under code 18.2-441, the court could have properly excluded the testimony of other witnesses that had no personal knowledge or were not present at the time that the defendant violated school bus policy by using profanity. the court also erred in concluding that the other conduct for which the defendant was disciplined, if proved, could properly be attributed to the defendant in a manner that was sufficient to make him subject to the statutory discipline under code 18.2-441. finally, the evidence was insufficient to support the burden of proof assigned to the defendant under that code section. 072680 commonwealth v. griffin 07/30/2008 in order to prove that it would be morally wrong for a person to lie and steal, the commonwealth must demonstrate that the subject has a high level of tolerance for and a willingness to commit murder and that she both participates in and directs the commission of criminal acts involving a high risk of death.

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191085 village for co (tek) v. j. wilson court 07/23/2024 in this appeal from the circuit court order striking the appellants timely notice of appeal to this court, we agree with the appellants that the trial courts decision to strike the notice was an abuse of discretion. we hold that the type of problem at issue here is not within the purview of code 8.01-670.1(s) and that an appellate court must review the notice of appeal filed under code 8.1(s) for compliance with the requirements of the statute. we are not persuaded by the appellees argument that the imposition of this new condition upon an appellant means that the case is final. while the appellate court must test the validity of the notice of appeal to determine if it complies with the requirements of the statute, we are not deciding this appeal on the merits, and the issue for our review is simply whether the notice of appeal is effective. we vacate the judgment below and remand with directions that the notice of appeal be docketed in this court. 183301 duncan v. commonwealth 09/23/2019 there is no merit to the defendant's contention that a search warrant violated his right against unreasonable search and seizure under the fourth amendment because the warrant itself omitted the date of its issuance. the warrant's purpose was to allow the police to search the defendant's house. since the defendant rented his house to at least two other people, the search warrant was not intended to support a search of the defendant's residence, but rather a search of the two other people's residences. since the defendant's mere presence at the residences was not necessary to carry out the search, the fourth amendment was not violated. even if the defendant's physical presence in the premises being searched was part of the search, the warrant was sufficiently specific. therefore, the circuit court did not err in denying the defendant's motion to suppress the physical evidence seized by the police. nor is there merit to the defendant's argument that the circuit court erred in denying the defendant's motions to suppress statements and post-arrest statements. the defendant did not have a right to contact his attorney while he was being held. while the defendant did have the right to speak to an attorney if he requested to speak to an attorney, the police interrogator's reading aloud of a police report that contained incriminating statements made by the defendant was not an interrogation. moreover, the defendant had not yet been indicted at the time of the interrogation. finally, the circuit court did not err in denying the defendant's motion to suppress evidence related to the stolen vehicle. the police had probable cause to search the defendant's home for stolen property, and they found the stolen property there, where it obviously could have been found. 5ec8ef588b

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