

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
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Granted Appeal Summary

Case

LEE ALDEN MOONEY v. COMMONWEALTH OF VIRGINIA
(Record Number 181164)

From

The Court of Appeals of Virginia.

Counsel

Elliott B. Bender and David C. Reinhardt (Bender Law Group, PLLC) for appellant.

Aaron J. Campbell (Office of the Attorney General) for appellee.

Assignments of Error

1. The trial court abused its discretion and violated Mooney's constitutional right to confront his accusers when it allowed the Commonwealth to quote, present, offer, and argue facts from an unknown newspaper source as the facts underlying Mooney's prior conviction, which conviction was the basis of his probation violation, and the Court of Appeals erred in affirming the trial court.
2. The trial court erred when it dispensed with Mooney's due process right of confrontation by allowing hearsay at his probation hearing without stating for the record the specific grounds upon which the trial court relied in "not allowing confrontation," other than stating, "this is a show cause proceeding and hearsay is allowed," and the Court of Appeals erred in affirming the trial court.
3. The trial court erred by violating Mooney's right to confront witnesses against him and to due process when it overruled Mooney's counsel's objection to the admission of quotes from an unknown newspaper article, which article unreliably alleged the underlying facts and circumstances of the conviction giving rise to Mooney's probation violation, and the Court of Appeals erred in affirming the trial court.
4. The Court of Appeals erred in holding that Mooney's right to confront witnesses against him and to due process were not violated where it concluded that an unknown newspaper article was nontestimonial, despite there being no record evidence from which such a conclusion could be made.