

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
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Granted Appeal Summary

Case

SAMUEL LEON BURGESS v. COMMONWEALTH OF VIRGINIA
(Record Number 200825)

From

The Court of Appeals of Virginia.

Counsel

Roger A. Whitus (Office of the Public Defender) for appellant.

A. Anne Lloyd (Office of the Attorney General) for appellee.

Assignments of Error

I. The Court of Appeals erred by affirming appellant's felony failure to appear conviction on waiver principles.

A. The Court of Appeals erred by finding that Rule 5A:18 barred appellant's ability to challenge the sufficiency of the evidence to prove willfulness in any way other than by notice to him.

B. The Court of Appeals erred by finding that appellant failed to challenge other grounds besides notice sufficient to prove willfulness.

II. The Court of Appeals erred by failing to rule on the merits of the case where there was insufficient evidence to prove that appellant willfully failed to appear.