

COURT OF APPEALS OF VIRGINIA

Present: Judges Baker, Willis and Overton  
Argued at Norfolk, Virginia

DAVID LAMONT MACK

v. Record No. 0983-95-1

COMMONWEALTH OF VIRGINIA

MEMORANDUM OPINION\* BY  
JUDGE NELSON T. OVERTON  
JUNE 11, 1996

FROM THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE  
Russell I. Townsend, Jr., Judge

Erik P. Gordon (Law Offices of Allen J.  
Gordon, on brief), for appellant.

Monica S. McElyea, Assistant Attorney General  
(James S. Gilmore, III, Attorney General, on  
brief), for appellee.

David Lamont Mack was convicted by a jury of armed robbery in violation of Code § 18.2-58 and use of a firearm in the commission of a robbery in violation of Code § 18.2-53.1. He argues on appeal that the trial judge erred in admitting evidence of another robbery charge against Mack and its accompanying confession.

Evidence of other crimes need not bear such an exact resemblance to the crime on trial as to constitute a "signature"; it need only bear "a singular strong resemblance to the pattern of the offense charged." Spencer v. Commonwealth, 240 Va. 78, 90, 393 S.E.2d 609, 616 (1990) (quoting United States v. Hudson, 884 F.2d 1016, 1021 (7th Cir. 1989)). The evidence will be

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\*Pursuant to Code § 17-116.010 this opinion is not designated for publication.

admitted "where the other incidents are 'sufficiently idiosyncratic to permit an inference of pattern for purposes of proof,' thus tending to establish the probability of a common perpetrator." Id.

Upon review of the record, construing the evidence in the light most favorable to the Commonwealth and granting to it all reasonable inferences fairly deducible therefrom, we cannot say that the decision below was plainly wrong or unsupported by the evidence.

Accordingly, the convictions are affirmed.

Affirmed.