

April 16, 2002

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Re: Bennie E. Leavell, Jr., s/k/a Bennie Edward Leavell, Jr.
v. Commonwealth of Virginia
Record No. 1226-00-1

Gentlemen and Ms. Oyster:

I am enclosing to you a copy of an order entered by this Court in the above-referenced case on April 16, 2002. The Court has directed that this order be published in the appropriate volumes. I appreciate your cooperation in ensuring that publication is accomplished.

Sincerely,

Marty K. P. Ring
Deputy Clerk

MKPR:mfr
Enclosure

Tuesday 16th

April, 2002.

Bennie E. Leavell, Jr., s/k/a
Bennie Edward Leavell, Jr., Appellant,
against Record No. 1226-00-1
Circuit Court No. CR99005123-00
Commonwealth of Virginia, Appellee.

Upon Remand from the Supreme Court of Virginia

In accordance with the order of the Supreme Court of Virginia entered on November 15, 2001, the opinion previously rendered by this Court on July 3, 2001 is withdrawn and the mandate entered on that date is vacated. This Court's orders entered on August 7, 2001 are also vacated.

As further directed by the order of the Supreme Court, and in accordance with the decision of that Court in Commonwealth v. Southerly, 262 Va. 294, 551 S.E.2d 650 (2001), the case is hereby transferred to the Supreme Court of Virginia pursuant to Code § 8.01-677.1.

This order shall be published.

A Copy,

Teste:

Cynthia L. McCoy, Clerk

By:

Deputy Clerk