

COURT OF APPEALS OF VIRGINIA

Present: Judges Elder, Haley and Senior Judge Annunziata  
Argued at Alexandria, Virginia

MICHAEL RICARDO MAGRUDER

v. Record No. 1982-05-4

COMMONWEALTH OF VIRGINIA

MEMORANDUM OPINION\* BY  
JUDGE ROSEMARIE ANNUNZIATA  
MARCH 13, 2007

FROM THE CIRCUIT COURT OF THE CITY OF WINCHESTER  
John E. Wetsel, Jr., Judge

Joseph R. Winston, Special Appellate Counsel (Office of Appellate  
Defender, on briefs), for appellant.

(Robert F. McDonnell, Attorney General; William E. Thro, State  
Solicitor General; Stephen R. McCullough, Deputy State Solicitor  
General; Alice T. Armstrong, Assistant Attorney General II, on  
brief), for appellee. Appellee submitting on brief.

Michael Ricardo Magruder (appellant) was convicted of possessing cocaine. On appeal, appellant contends the trial court erred in admitting a certificate of analysis without requiring the testimony of the person who performed the analysis, in violation of the Confrontation Clause of the Sixth Amendment.

This issue is controlled by Brooks v. Commonwealth, 49 Va. App. 155, 638 S.E.2d 131 (2006). There, under circumstances such as those here presented, we held that “a defendant’s failure to timely notify the Commonwealth of his desire to confront the forensic analyst at trial constitutes a waiver of that right,” id. at 168, 638 S.E.2d at 138, and that “the procedure in Code §§ 19.2-187 and 19.2-187.1 adequately protects a defendant’s Confrontation Clause rights,” id. at 158, 638 S.E.2d at 133.

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\* Pursuant to Code § 17.1-413, this opinion is not designated for publication.

The analysis in Brooks is applicable with equal force here and is conclusive of the question presented. Accordingly, we conclude the trial court did not err in admitting the certificate of analysis, and we affirm appellant's conviction.

Affirmed.