

COURT OF APPEALS OF VIRGINIA

Present: Judges Benton, Humphreys and Petty
Argued at Chesapeake, Virginia

RAYSHOD MARTIN

v. Record No. 0413-05-1

COMMONWEALTH OF VIRGINIA

MEMORANDUM OPINION* BY
JUDGE WILLIAM G. PETTY
AUGUST 1, 2006

FROM THE CIRCUIT COURT OF THE CITY OF HAMPTON
Christopher W. Hutton, Judge

Charles E. Haden for appellant.

Kathleen B. Martin, Senior Assistant Attorney General (Robert F.
McDonnell, Attorney General, on brief), for appellee.

A jury convicted Rayshod Martin (“Martin”) of attempted rape. On appeal, Martin contends the trial court erred in permitting the victim to testify during the Commonwealth’s case-in-chief of the sentencing phase of his trial. He asserts Code § 19.2-295.1 only permitted the Commonwealth to introduce prior convictions during its case-in-chief and the trial court should have permitted the victim impact testimony, if at all, during the rebuttal phase.

For the reasons set forth in Washington v. Commonwealth, ____ Va. App. ____, ____ S.E.2d ____ (2006) (Record No. 0500-05-1), this day decided, the judgment of the trial court is affirmed.

Affirmed.

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