

Tuesday 5th

December, 1995.

George Rodney Jennings, Jr., Appellant,  
against Record No. 0424-93-4  
Circuit Court No. CR8063  
Commonwealth of Virginia, Appellee.

Upon Rehearing En Banc

Before Chief Judge Moon, Judges Baker, Benton, Coleman,  
Willis, Elder, Bray, Fitzpatrick, Annunziata and Overton

Paul A. Maslakowski (Campbell & Maslakowski, on  
brief), for appellant.

Margaret Ann B. Walker, Assistant Attorney General  
(James S. Gilmore, III, Attorney General, on  
brief), for appellee.

By opinion dated March 14, 1995, a majority of a panel of  
this Court affirmed George Rodney Jennings, Jr.'s convictions of  
abduction with the intent to defile and forcible sodomy. Jennings v.  
Commonwealth, 20 Va. App. 9, 454 S.E.2d 752 (1995). On Jennings'  
motion, we stayed the mandate of that decision and granted rehearing  
en banc. Upon such rehearing, the stay of this Court's March 14, 1995  
mandate is lifted and the judgment of the trial court is affirmed for  
those reasons set forth in the panel's majority opinion.

Judge Benton would reverse the judgment of the trial court  
for those reasons set forth in the panel's dissenting opinion. See  
id. at 19-21, 454 S.E.2d at 757 (Barrow, J., dissenting).

It is ordered that the trial court allow counsel for the appellant an additional fee of \$200 for services rendered the appellant on the rehearing portion of this appeal, in addition to counsel's costs and necessary direct out-of-pocket expenses.

The Commonwealth shall recover of the appellant the amount paid court-appointed counsel to represent him in this proceeding, counsel's costs and necessary direct out-of-pocket expenses, and the fees and costs to be assessed by the clerk of this Court and the clerk of the trial court.

This order shall be published and certified to the trial court.

A Copy,

Teste:

By:

Richard R. James, Clerk

Deputy Clerk