

COURT OF APPEALS OF VIRGINIA

Present: Chief Judge Moon, Senior Judges Cole and Hodges

SCOTT WAYNE WALDO

v. Record No. 0697-94-3

MEMORANDUM OPINION\*

PER CURIAM

COMMONWEALTH OF VIRGINIA

AUGUST 22, 1995

FROM THE CIRCUIT COURT OF ROANOKE COUNTY

Kenneth E. Trabue, Judge

Terry N. Grimes (King, Fulghum, Snead, Nixon  
& Grimes, on brief), for appellant.

Richard B. Smith, Assistant Attorney General  
(James S. Gilmore, III, Attorney General, on  
brief), for appellee.

We affirm the judgment of the trial court finding Scott Wayne Waldo guilty of having a concealed weapon in violation of Code § 18.2-308.

"On appeal, we review the evidence in the light most favorable to the Commonwealth, granting to it all reasonable inferences fairly deducible therefrom." Martin v. Commonwealth, 4 Va. App. 438, 443, 358 S.E.2d 415, 418 (1987).

The trial judge found that appellant's weapon was "hidden from common observation." In Main v. Commonwealth, 20 Va. App. 370, 372-73, 457 S.E.2d 401, 402 (1995), the weapon was concealed within the meaning of Code § 18.2-308 when "[i]t was hidden from all except those with an unusual or exceptional opportunity to view it."

Officer Smith testified that he could not see the weapon

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

when he approached the vehicle. The weapon was located in a pocket in the driver's side door. Thus, the evidence was sufficient to enable the fact finder to conclude beyond a reasonable doubt that the weapon was hidden from common observation.

Affirmed.