

Tuesday 8th

May, 2001.

Cory Alver Jefferson, Appellant,  
against Record No. 0953-99-2  
Circuit Court Nos. 98-1136-F and 98-1076-F  
through 98-1078-F  
Commonwealth of Virginia, Appellee.

Upon a Rehearing En Banc

Before Chief Judge Fitzpatrick, Judges Benton, Willis, Elder, Bray,  
Annunziata, Bumgardner, Frank, Humphreys, Clements and Agee

Douglas A. Ramseur (D. Gregory Carr; Bowen,  
Bryant, Champlin & Carr, on briefs), for  
appellant.

Leah A. Darron, Assistant Attorney General  
(Mark L. Earley, Attorney General, on  
brief), for appellee.

By opinion dated August 22, 2000, a divided panel of this  
Court affirmed the judgment of the trial court. See Jefferson v.  
Commonwealth, 33 Va. App. 230, 532 S.E.2d 899 (2000). We granted  
rehearing en banc and stayed the mandate of that decision.

Upon rehearing en banc, the stay of this Court's August 22,  
2000 mandate is lifted, and the judgment of the trial court is  
affirmed for the reasons set forth in the majority panel decision.

Judges Benton, Elder and Annunziata concur in part and  
dissent in part for the reasons set forth in the panel concurrence  
and dissent.

It is ordered that the trial court allow the court-appointed attorneys 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. This amount shall be added to the costs due the Commonwealth in the August 22, 2000 mandate.

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

A Copy,

Teste:

Clerk