

COURT OF APPEALS OF VIRGINIA

Present: Judges Baker, Benton and Bray
Argued at Richmond, Virginia

ROBERT RAYFIELD JONES

v. Record No. 1142-96-2

COMMONWEALTH OF VIRGINIA

MEMORANDUM OPINION*

PER CURIAM

JUNE 17, 1997

FROM THE CIRCUIT COURT OF THE CITY OF RICHMOND
James B. Wilkinson, Judge

Patricia P. Nagel, Assistant Public Defender
(David J. Johnson, Public Defender, on
brief), for appellant.

Ruth Ann Morken, Assistant Attorney General
(James S. Gilmore, III, Attorney General, on
brief), for appellee.

This appeal raises the issue whether the trial judge erred in refusing to give to the jury the proffered instruction on parole. For the reasons more particularly stated in Mosby v. Commonwealth, 24 Va. App. 284, 482 S.E.2d 72 (1997), we affirm the trial judge's refusal to give the instruction.

Affirmed.

Benton, J., dissenting.

For the reasons stated in my dissenting opinion in Walker v. Commonwealth, ___ Va. App. ___, ___, ___ S.E.2d ___, ___ (1997), (Benton, J., dissenting), I would reverse the ruling and remand

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

for a new trial.