

COURT OF APPEALS OF VIRGINIA

Present: Judges Baker, Annunziata and Overton
Argued at Norfolk, Virginia

NOEL AUSTIN CHERRY

v. Record No. 1478-96-1

MEMORANDUM OPINION* BY
JUDGE NELSON T. OVERTON
MAY 6, 1997

COMMONWEALTH OF VIRGINIA

FROM THE CIRCUIT COURT OF THE CITY OF NORFOLK
Thomas R. McNamara, Judge

J. Brian Sheridan (White & Sheridan, P.C., on
brief), for appellant.

H. Elizabeth Shaffer, Assistant Attorney
General (James S. Gilmore, III, Attorney
General, on brief), for appellee.

Noel Austin Cherry was convicted of distribution of cocaine. On appeal, Cherry claims that because the certificate of analysis did not contain his name, it should not have been admitted. Cherry also wishes to raise issues pro se that his counsel did not raise in the petition for appeal. For the reasons that follow, we affirm.

The parties are fully conversant with the record in the cause, and because this memorandum opinion carries no precedential value, no recitation of the facts is necessary.

Code § 19.2-187 governs the admissibility of certificates of analysis. "The first paragraph of Code § 19.2-187 sets forth a

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

specific statement of admissibility of certificates of laboratory analysis subject to provisos expressly stated and numbered (i) and (ii). When those provisos are satisfied, the statement of admissibility is complete, and a certificate thus qualified is properly received into evidence." Stokes v. Commonwealth, 11 Va. App. 550, 552, 399 S.E.2d 453, 454 (1991). The statute contains no requirement that the defendant's name be on the certificate. At trial, testimony was given that the substance whose test results appear on the certificate was taken from the defendant. No error was committed in admitting this certificate.

Cherry also raises several issues on appeal pro se. We need not decide whether an appellant with appointed counsel may file additional pro se assignments of error, because Cherry's pro se petition was untimely filed, as was his motion for an extension of time.

Affirmed.