

COURT OF APPEALS OF VIRGINIA

Present: Chief Judge Fitzpatrick, Judge Benton and
Senior Judge Overton
Argued at Alexandria, Virginia

CHRISTOPHER ARTIS RICH

v. Record No. 2670-01-4

COMMONWEALTH OF VIRGINIA

MEMORANDUM OPINION* BY
JUDGE JAMES W. BENTON, JR.
OCTOBER 15, 2002

FROM THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY
Richard B. Potter, Judge

(Myron J. Teluk, on brief, for appellant).
Appellant submitting on brief.

(Jerry W. Kilgore, Attorney General;
Steven A. Witmer, Assistant Attorney General,
on brief), for appellee. Appellee submitting
on brief.

A jury convicted Christopher Artis Rich of armed robbery and use of a firearm in the commission of a felony. The issue raised by this appeal is whether the trial judge erred by refusing to allow Rich's attorney (1) to inform the jury panel on voir dire of the minimum sentences for robbery and for the lesser-included offenses of grand and petit larceny and (2) to inquire whether any persons on the panel had religious or moral beliefs that would preclude them from imposing minimum sentences.

* Pursuant to Code § 17.1-413, this opinion is not designated for publication.

While this appeal was pending, the Supreme Court reversed our decision in Hill v. Commonwealth, 36 Va. App. 375, 381, 550 S.E.2d 351, 354 (2001), which decided a similar issue. See Commonwealth v. Hill, 264 Va. 315, ___ S.E.2d ___ (2002). The Court held,

[i]n summary, . . . that neither the defendant nor the Commonwealth in a non-capital criminal prosecution has a constitutional or statutory right to ask the members of a jury panel questions about the range of punishment that may be imposed upon a defendant if he is ultimately convicted of the crimes charged or of lesser included offenses.

Id. at 320, ___ S.E.2d at ___.

Accordingly, we affirm the convictions.

Affirmed.