

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
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Granted Appeal Summary

Case

COMMONWEALTH OF VIRGINIA v. DEREK BRAWNER
(Record Number 240814)

From

The Court of Appeals of Virginia.

Counsel

Jason S. Miyares, Kimberly A. Hackbarth (Office of the Attorney General) for appellant.

Bradley R. Haywood (Office of the Public Defender) for appellee.

Assignments of Error

1. The Court of Appeals erroneously concluded that the circuit court found Brawner in violation of probation for failing to seek community service in lieu of paying court costs. The record makes clear that the circuit court found Brawner in violation of probation for his willful failure to pay his court costs.
2. The Court of Appeals erroneously concluded that the circuit court could not find Brawner in violation of probation for willful failure to pay court costs unless the court had first given Brawner written notice of the option to perform community service in lieu of paying court costs, as set forth in Code § 19.2-354(C).
3. The Court of Appeals erred in determining that the circuit court had implicitly found that Brawner had demonstrated an inability to pay his court costs.
4. The Court of Appeals erred by reversing the circuit court's factual finding that Brawner willfully failed to pay his court costs in violation of Brawner's probation and suspended sentence. The circuit court's factual finding that Brawner willfully failed to pay was not plainly wrong or without evidence to support it.
5. The Court of Appeals erred by reversing the circuit court's finding of reasonable cause to revoke Brawner's probation and suspended sentence.