

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
(804) 786-2259

Granted Appeal Summary

Case

COMMONWEALTH OF VIRGINIA v. LONNIE LEWIS RICHERSON
(Record Number 250176)

From

The Court of Appeals of Virginia.

Counsel

Jason S. Mirayes, Mary Catherine Talbott, and Craig W. Stallard (Office of the Attorney General) for appellant.

Ronnie H. West (West Law Firm, PLC) for appellee.

Assignments of Error

- I. The Court of Appeals erred in determining that the evidence was insufficient to sustain Richerson's conviction for driving while intoxicated, as the panel improperly reweighed the video evidence, failed to apply the correct standard of review, and failed to give deference to the factual findings of the trial court.
- II. Richerson's refusal to perform field sobriety tests should have been considered as evidence of guilt, and to the extent that *Jones v. Commonwealth*, 279 Va. 52 (2010) compels otherwise, it should be modified, overturned, or reversed.