

SUPREME COURT OF VIRGINIA



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

Case

DAVID JASANTE CUNNINGHAM v. COMMONWEALTH OF VIRGINIA
(Record Number 250327)

From

The Court of Appeals of Virginia.

Counsel

Brett P. Blobaum (Virginia Indigent Defense Commission) for appellant.

Lindsay M. Brooker (Office of the Attorney General) for appellee.

Assignment of Error

The Court of Appeals erred in finding that the Commonwealth presented sufficient evidence for a reasonable jury to conclude that Mr. Cunningham penetrated the victim's anus and further erred in finding that the jury's conclusion that he had done so was not plainly wrong or without evidence to support it.