

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. RAY ALLEN ATKINS
(Record Number 250836)

From

The Court of Appeals of Virginia.

Counsel

Jason S. Miyares and Justin M. Brewster (Office of the Attorney General) for appellant.

Caleb J. Routhier (Helm Law, PLLC) for appellee.

Assignments of Error

- I. The Court of Appeals erred by reversing Atkins's conviction for attempted incest because the evidence was sufficient to prove he committed an overt act.
- II. The Court of Appeals erred by relying on *Jones v. Commonwealth*, 70 Va. App. 307 (2019) (en banc), to hold that an overt act must "commenc[e] an element of the intended crime" because *Jones* incorrectly stated the law and should be overturned.
- III. To the extent that *Hicks v. Commonwealth*, 86 Va. 223, 227 (1889), controls the resolution of the present case, it should be overturned or modified.