

Tuesday

31st

December, 1996.

Kimberly O. Janis
and Thomas Janis,
Appellants,

against Record No. 0271-95-2
Circuit Court Nos. F94-77 and F94-78

Commonwealth of Virginia,
Appellee.

Upon a Rehearing En Banc

Before Chief Judge Moon, Judges Baker, Benton, Coleman,
Willis, Elder, Bray, Fitzpatrick, Annunziata and Overton

Charles R. Watson for appellants.

Marla Graff Decker, Assistant Attorney
General (James S. Gilmore, III, Attorney
General, on brief), for appellee.

In Janis v. Commonwealth, 22 Va. App. 646, 650-51, 472
S.E.2d 649, 651 (1996), a majority of a panel of the Court reversed
and remanded the convictions of Kimberly O. Janis and Thomas Janis. A
dissenting opinion was filed in the panel decision. The
Commonwealth's petition for rehearing en banc was granted and heard on
November 26, 1996. For the reasons stated in the panel's majority
opinion, the convictions are reversed, the matters are remanded to the
Circuit Court of Dinwiddie County and, accordingly, the stay of this
Court's July 9, 1996 mandate is lifted.

Chief Judge Moon, Judges Baker, Coleman and Fitzpatrick
would affirm the judgment of the trial court for the reasons stated in
the dissenting opinion of the original panel decision.

This order shall be published and certified to the trial court.

A Copy,

Teste:

Cynthia L. McCoy, Clerk

By:

Deputy Clerk