

SUPREME COURT OF VIRGINIA



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

Granted Appeal Summary

Case

DAMON MCLEOD v. COMMONWEALTH OF VIRGINIA
(Record Number 191009)

From

The Circuit Court of the City of Staunton; C. Ricketts, III, Judge.

Counsel

Timothy V. Anderson (Anderson & Associates, PC) for appellant.

Jeffrey D. Gaines (Office of the Commonwealth's Attorney for the City of Staunton) for appellee.

Assignments of Error

1. The Staunton Circuit Court violated the Appellant's due process rights by not providing an immediate hearing following the 821 appeal while the Appellant was still in custody and further by sua sponte removing the April 18, 2019 hearing on the premise that the Appellant lacked standing to pursue an appeal under 37.2-821 since he was released from his commitment by the hearing date.
2. The Staunton Circuit Court incorrectly applied the concurring opinion in *Paugh v. Commonwealth* to create an impossible standard for any Appellant seeking relief pursuant to 37.2-821 in the event a commitment period ends prior to the de novo appeal hearing.