

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
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Granted Appeal Summary

Case

BRIAN KUANG-MING WELSH v. COMMONWEALTH OF VIRGINIA
(Record Number 230800)

From

The Court of Appeals of Virginia.

Counsel

Meghan Shapiro (Virginia Indigent Defense Commission) for appellant.

Jason S. Miyares and Katherine Q. Adelfio (Office of the Attorney General) for appellee.

Assignments of Error

1. The Court of Appeals erred by finding the erroneous exclusion of testimony by Mr. Welsh's rebuttal firearm expert harmless. The Court of Appeals erred by applying an incorrect harmless error test. The Court of Appeals erred by finding that the ends of justice exception does not apply as to Mr. Welsh's constitutional argument.
2. The Court of Appeals erred by failing to find, on the merits, that the trial court erred in excluding the testimony of Mr. Welsh's rebuttal firearm expert.
3. The Court of Appeals erred by failing to rule on Mr. Welsh's Assignment of Error 1(d) below, that defense expert testimony was excluded without permitting a testimonial proffer of his opinions.