

PRESENT: Hassell, C.J., Lacy, Koontz, Kinser, Lemons, and Agee, JJ., and Stephenson, S.J.

JOHN FITZGERALD GASTON

PER CURIAM

v. Record No. 022303

September 12, 2003

COMMONWEALTH OF VIRGINIA

FROM THE CIRCUIT COURT OF THE CITY OF NORFOLK  
Marc Jacobson, Judge

John Fitzgerald Gaston filed a motion in the Circuit Court of the City of Norfolk, pursuant to Code § 19.2-327.1, seeking post-trial scientific analysis of certain evidence. Following a hearing, the circuit court denied Gaston's motion. On February 5, 2003, we awarded Gaston this appeal and also directed the parties to brief the issue "whether this Court has jurisdiction to hear this appeal." We conclude that this Court does not have jurisdiction.

Subsection G of Code § 19.2-327.1 expressly states, in pertinent part, that "[a]n action under this section . . . shall not form the basis for relief in any habeas corpus proceeding or any other appeal." When a statute is clear and unambiguous, a court may look only to the words used in the statute to ascertain its meaning and intent. Yamaha Motor Corp. v. Quillian, 264 Va. 656, 665, 571 S.E.2d 122, 126 (2002); Harrison & Bates, Inc. v. Featherstone Assoc., 253 Va. 364, 368, 484 S.E.2d 883, 885 (1997). The language used in Code § 19.2-

327.1(G) is clear and unambiguous and means that a circuit court's ruling under Code § 19.2-327.1 is unappealable. Consequently, we will dismiss Gaston's appeal for want of jurisdiction.

Appeal dismissed.