

SUPREME COURT OF VIRGINIA



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

Granted Appeal Summary

Case

NAKIA DURHAM v. COMMONWEALTH OF VIRGINIA
(Record Number 230599)

From

The Court of Appeals of Virginia.

Counsel

J. Barry McCracken (Office of the Public Defender) for appellant.

Lucille M. Wall (Office of the Attorney General) for appellee.

Assignments of Error

- I. The Court of Appeals erred in affirming the trial court's denial of the Appellant's motion to suppress evidence obtained as a result of the search of the Appellant's vehicle because the police officers did not have probable cause to search the vehicle predicated on the observations of a cup containing a suspected alcoholic beverage and a previously opened liquor bottle in the rear passenger compartment.

- II. The Court of Appeals erred in affirming the trial court's denial of the Appellant's motions to strike as to possession of a firearm by a convicted felon in violation of Virginia Code § 18.2-308.2 and carrying a concealed weapon in violation of Virginia Code § 18.2-308 because the evidence presented did not establish that the Appellant was ever in either actual or constructive possession of the revolver seized from the center console of his vehicle.