

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday, the 6th day of November, 1998.

Donnie Lee Bruce, Appellant,

against Record No. 980019
Court of Appeals No. 0931-95-2

Commonwealth of Virginia, Appellee.

Upon an appeal from a judgment rendered by the Court of Appeals of Virginia on the 16th day of April, 1996.

Upon consideration of the record, briefs, and argument of counsel, the Court is of opinion that there is no error in the judgment appealed from. Accordingly, for the reasons stated in the opinion of the Court of Appeals, Bruce v. Commonwealth, 22 Va. App. 264, 469 S.E.2d 64 (1996), the judgment is affirmed.

The appellant shall pay to the Commonwealth of Virginia thirty dollars damages.

It is ordered that the Circuit Court of Albemarle County allow counsel for the appellant a fee of \$725 for services rendered the appellant on this appeal, in addition to counsel's costs and necessary direct out-of-pocket expenses.

The Commonwealth shall recover of the appellant the amount paid court-appointed counsel to represent him in this proceeding, counsel's costs and necessary direct out-of-pocket expenses, and the fees and costs to be assessed by this Court and the courts below.

This order shall be published and shall be certified to the Court of Appeals and to the Circuit Court of Albemarle County.

A Copy,

Teste:

David B. Beach,
Clerk

Costs due the Commonwealth
by appellant in the
Supreme Court of Virginia:

Attorney's fee \$725.00 plus costs and expenses