

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
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Granted Appeal Summary

Case

COMMONWEALTH OF VIRGINIA v. PATRICK AUSTIN CAROLINO
(Record Number 230945)

From

The Court of Appeals of Virginia.

Counsel

Jason S. Miyares and Matthew J. Beyrau (Office of the Attorney General) for appellant.

Richard Clark (Office of the Public Defender) for appellee.

Assignments of Error

1. The Court of Appeals erred when it held that Carolino's arguments were preserved for appellate review because his arguments were waived pursuant to Rule 5A:18 and 5A:20(c).
2. The Court of Appeals erred when it held that the Commonwealth's cross-examination about the belt-whipping incident was improper impeachment on a collateral matter.
3. The Court of Appeals erred when it held that the trial court record lacked sufficient findings of fact and conclusions of law to permit a balancing of the probative value of the prior-bad-act evidence against its incidental prejudice.
4. The Court of Appeals erred when it held that the trial court considered the belt-whipping evidence solely for the purpose of Carolino's credibility because the record supports the conclusion that the trial court also considered the evidence for other limited purposes.
5. Since the trial court's evidentiary ruling was not error, the Court of Appeals also erred when it failed to affirm Carolino's conviction because the evidence was sufficient to prove the crime of strangulation.