

SUPREME COURT OF VIRGINIA



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

Case

RODOLFO BUSTOS v. COMMONWEALTH OF VIRGINIA
(Record Number 200160)

From

The Court of Appeals of Virginia.

Counsel

Kathryn Donoghue (Office of the Public Defender) for appellant.

Katherine Q. Adelfio (Office of the Attorney General) for appellee.

Assignments of Error

II. The Court of Appeals erred in holding that the trial court did not abuse its discretion in granting Instruction 12. Even if the trial court was correct in granting Instruction 12, the Court of Appeals erred in holding that the trial court did not abuse its discretion by denying the amended jury instruction.

III. Prior decisions of the Virginia courts that hold the trial court must grant a geriatric parole instruction, including Fishback v. Commonwealth, 260 Va. 104, 532 S.E.2d 629 (2000) and its progeny, were wrongly decided and must be overturned or modified.