

# 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. JAMES FREDERICK BROWNE  
(Record Number 230379)

### **From**

The Court of Appeals of Virginia.

### **Counsel**

Ken J. Baldassari (Office of the Attorney General) for appellant.

Caleb J. Routhier (Miller, Earle & Shanks, PLLC) for appellee.

## **Assignments of Error**

1. The Court of Appeals erred when it found the Commonwealth consented to retroactively apply the reenacted version of Code § 19.2-306 and the newly enacted Code § 19.2-306.1, and to the extent that *Heart v. Commonwealth*, 75 Va. App. 453, 877 S.E.2d 522 (2022) compelled such a ruling, it should be modified, overturned, or reversed.
2. The Court of Appeals erred to the extent that it found that the “offense date” was after July 1, 2021 because the capias issued listed an offense date as October 15, 2021, the date when the Major Violation Report was drafted, when some of Browne’s conduct underlying the violation occurred prior to July 1, 2021.
3. The Court of Appeals erred when it found the trial court’s “special condition” ordering Browne “to comply with any evaluations, treatments or counseling as recommended by the probation officer to the satisfaction of the probation officer” was a technical violation under Code § 19.2-306.1, and to the extent that *Delaune v. Commonwealth*, 76 Va. App. 372, 882 S.E.2d 27 (2023), *petition for appeal granted*, No. 230127 (Va. May 31, 2023) compelled such a ruling, it should be modified, overturned, or reversed.
4. The Court of Appeals erred when it determined Browne’s failure to pay any court costs was a technical violation, and to the extent that *Delaune v. Commonwealth*, 76 Va. App. 372, 882 S.E.2d 27 (2023), *petition for appeal granted*, No. 230127 (Va. May 31, 2023) compelled such a ruling, it should be modified, overturned, or reversed.

5. The Court of Appeals erred when it determined the trial court's revocation order was void ab initio.

6. The Court of Appeals erred when it determined that the trial court did not find Browne in violation for failing to complete the Batterers' Intervention Program.