

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
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Granted Appeal Summary

Case

COMMONWEALTH OF VIRGINIA V. TAYLOR AMIL WALLACE
(Record Number 240138)

From

The Court of Appeals of Virginia.

Counsel

Stephen J. Sovinsky (Office of the Attorney General) for appellant.

Samantha Offutt Thames (Office of the Public Defender) for appellee.

Assignment of Error

1. The Court of Appeals erred in holding that the evidence presented at trial failed to prove that Wallace was “without authority” when she deposited fraudulent checks at her bank’s ATM, that the evidence did not show that she used a computer without permission or “in a manner knowingly exceeding such right, agreement, or permission,” and that Wallace did not attempt to cause or actually cause a computer to perform operations beyond the scope of the functions she was allowed to perform.
2. The Court of Appeals erred in holding that a “manner of use” versus “purpose of use” distinction is necessary for interpretation of the computer-fraud statute, and that the Commonwealth’s statutory interpretation would result in “per se” liability or otherwise render the words “without authority” in Code § 18.2-152.3 “surplusage” or “superfluous.”
3. The Court of Appeals erred in “not decid[ing]” whether a computer network was used where Wallace used one or both banks’ computer network without authority, as it is an alternative holding of the trial court and an independent basis to affirm the convictions at issue, and also erred in failing to address the separate, alternative basis to affirm that Wallace used or attempted to use a computer at the victim’s bank without authority to perpetrate her fraud.
4. The Court of Appeals erred by accepting the defendant’s self-serving testimony, by failing to apply the appropriate standard of review that evidence be viewed in the light most favorable to the Commonwealth (the prevailing party), by finding that the Commonwealth presented no evidence to establish the scope of Wallace’s authority or her knowledge that she exceeded

that authority, and by finding that Wallace acted with authority where she knowingly deposited fraudulent checks using an ATM.