

**VIRGINIA:**

*In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Thursday, the 2nd day of April, 2026.*

Present: All the Justices

MICHELLE DAWN MORRIS,

APPELLANT,

against

Record No. 250339  
Court of Appeals No. 0074-23-3

COMMONWEALTH OF VIRGINIA,

APPELLEE.

UPON AN APPEAL FROM A  
JUDGMENT RENDERED BY THE  
COURT OF APPEALS OF VIRGINIA.

Upon consideration of the record, briefs, and argument of counsel, the Court is of the opinion that Appellant’s assignment of error is insufficient under Rule 5:17(c)(1)(iii). The Appellant’s assignment of error states “The Trial Court erred in denying Appellant’s motion to return seized funds.” The rule specifies that,

[a]n assignment of error in an appeal from the Court of Appeals to the Supreme Court which recites that “the trial court erred” and specifies the errors in the trial court, will be sufficient so long as the Court of Appeals *ruled upon the specific merits* of the alleged trial court error and the error assigned in this Court is identical to that assigned in the Court of Appeals.

Rule 5:17(c)(1)(iii) (emphasis added).

Here, although the errors assigned in this Court and the Court of Appeals are identical, the Court of Appeals did not rule upon the “specific merits” of the trial court’s denial of Appellant’s motion to return seized funds, specifically, that the buy money remained the property of the Commonwealth even after it entered the Appellant’s possession. Accordingly, the Court dismisses the appeal as improvidently awarded.

This order shall be certified to the Court of Appeals of Virginia and the Circuit Court of  
Augusta County.

A Copy,

Teste:

  
Clerk