

A
VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Thursday the 12th day of April, 2018.

Mark O. Wright,

Appellant,

against Record No. 170956

Circuit Court No. CL17-730

Commonwealth of Virginia,

Appellee.

From the Circuit Court of Rockingham County

Upon review of the record in this case and consideration of the argument submitted in support of the granting of an appeal, the Court is of the opinion there is no reversible error in the judgment complained of. Accordingly, the Court refuses the petition for appeal.

A Copy,

Teste:

Patricia L. Harrington, Clerk

By:

Deputy Clerk

B
VIRGINIA:

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY

MARK O. WRIGHT, #1141826,

Petitioner

v.

Civil No. CL17-730

COMMONWEALTH OF VIRGINIA,

Respondent

FINAL ORDER

Upon mature consideration of the parties' pleadings and the authorities cited therein and exhibits attached thereto, and a review of the record in the criminal case, which is hereby made a part of the record in this matter, the Court finds that Wright is not entitled to the relief sought for the reasons stated by the Commonwealth in its Motion to Dismiss.

Given that Wright has failed to establish he is entitled to relief, his motion is untimely and must be dismissed. Rule 1:1; *see Rook v. Rook*, 233 Va. 92, 95, 353 S.E.2d 756, 758 (1987) (a judgment is final and conclusive after 21 days absent proof of extrinsic fraud upon the court or a lack of subject matter jurisdiction).

It is, therefore, **ADJUDGED** and **ORDERED** that Wright's Motion be, and is hereby, **DENIED** and **DISMISSED**, and that this matter is stricken from the docket of this Court. No hearing is necessary when, as here, the record demonstrates that the claim is frivolous.

It is further **ORDERED** that the petitioner's endorsement on this Order is dispensed with pursuant to Rule 1:13 of the Supreme Court of Virginia.

The Clerk is directed to forward a certified copy of this Order to the petitioner, and to
Assistant Attorney General Victoria Johnson, counsel for the respondent.

Entered this 16th day of JUNE, 2017

6/16/17

C. J. Smith

Judge

I ask for this:

Victoria Johnson, VSB No. 68282
Assistant Attorney General

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I CERTIFY THAT THE DOCUMENT TO WHICH THIS
AUTHENTICATION IS AFFIXED IS A TRUE COPY OF
A RECORD IN THE ROCKINGHAM COUNTY CIRCUIT
COURT CLERK'S OFFICE, AND THAT I AM THE
CUSTODIAN OF THAT RECORD.

6/16/17

Debrah Readon

CLERK/DEPUTY CLERK

Petitioner's endorsement waived pursuant to Rule 1:13.

**Additional material
from this filing is
available in the
Clerk's Office.**