

Exhibit A

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Thursday the 30th day of January, 2020.

Kingsley Azubuike Ononuju,

Appellant,

against

Record No. 191200

Court of Appeals No. 0538-18-1

Commonwealth of Virginia,

Appellee.

From the Court of Appeals of Virginia

Upon review of the record in this case and consideration of the argument submitted in support of and in opposition to the granting of an appeal, the Court refuses the petition for appeal.

A Copy,

Teste:

Douglas B. Robelen, Clerk

By:



Deputy Clerk

APPENDIX B

Exhibit B+

VIRGINIA:

In the Court of Appeals of Virginia on Tuesday the 20th day of August, 2019.

Kingsley Azubuike Ononuju,

Appellant,

against

Record No. 0538-18-1

Circuit Court Nos. CR17-2385-00 and CR17-2385-01

Commonwealth of Virginia,

Appellee.

From the Circuit Court of the City of Virginia Beach

Before Chief Judge Decker, Judges Humphreys and Russell

For the reason previously stated in the order entered by this Court on February 13, 2019, the petition for appeal in this case hereby is denied.

This order shall be certified to the trial court.

A Copy,

Teste:

Cynthia L. McCoy, Clerk

By:

Kristen M. McKenzie

Deputy Clerk

APPENDIX C

Exhibit B

VIRGINIA:

In the Court of Appeals of Virginia on Wednesday the 13th day of February, 2019.

Kingsley Azubuike Ononuju,

Appellant,

against

Record No. 0538-18-1

Circuit Court Nos. CR17-2385-00 and CR17-2385-01

Commonwealth of Virginia,

Appellee.

From the Circuit Court of the City of Virginia Beach

Per Curiam

This petition for appeal has been reviewed by a judge of this Court, to whom it was referred pursuant to Code § 17.1-407(C), and is denied for the following reason:

I. through IX. Appellant was convicted of attempted sexual battery and assault and battery. He includes nine assignments of error in his petition for appeal. He asserts that the trial court erred by admitting first and second “testimonial evidence;” by denying his motion to sever; by denying his motions to strike; and by “applying review approach at trial.”¹

Appellant filed the trial transcript late. The final orders for the two convictions were entered on March 13, 2018 and March 15, 2018. The transcript was due by May 12, 2018 and May 14, 2018, but was not filed until August 20, 2018. Appellant also did not file a statement of facts. See Rule 5A:8(a) and (c). The Court will consider only those issues that may be decided without reference to a transcript or statement of facts.

We have reviewed the record and the petition for appeal. We conclude that a timely filed transcript or written statement of facts is indispensable to a determination of the assignments of error raised on appeal.

See Smith v. Commonwealth, 32 Va. App. 766, 772 (2000); Turner v. Commonwealth, 2 Va. App. 96,

¹ We grant appellant’s request to amend the reply brief previously filed in this case, and the said amended reply brief received on September 25, 2018 is considered properly filed.

Exhibit B

99-100 (1986). Thus, appellant has failed to ensure that the record contains a transcript or written statement of facts necessary to permit us to resolve the issues he presents on appeal.² Rule 5A:8(b)(4)(ii). Therefore, we deny the petition for appeal.

This order is final for purposes of appeal unless, within fourteen days from the date of this order, there are further proceedings pursuant to Code § 17.1-407(D) and Rule 5A:15(a) or 5A:15A(a), as appropriate. If appellant files a demand for consideration by a three-judge panel, pursuant to those rules the demand shall include a statement identifying how this order is in error.

The Commonwealth shall recover of the appellant the costs in the trial court.

This Court's records reflect that appellant is proceeding *pro se* in this matter.

A Copy,

Teste:

Cynthia L. McCoy, Clerk

By:

Marty K.P. Ring

Deputy Clerk

² "Even *pro se* litigants must comply with the rules of court." Francis v. Francis, 30 Va. App. 584, 591 (1999).