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US SUP CT APPLICATION APEND A

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Tuesday the 14th day of March, 2023.

Donnie T.A.M. Kern, Appellant,

against Record No. 230138
Court of Appeals No. 1671-22-3

Commonwealth of Virginia, Appellee.

From the Court of Appeals of Virginia

Finding that the appellant has failed to comply with this Court's order issued January 12, 2023, and finding that the appeal was not perfected in the manner provided by law because the appellant failed to file the notice of appeal in the Court of Appeals, the Court dismisses the petition for appeal filed in the above-styled case. Rule 5:14(a).

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By:



Deputy Clerk

US SUP CT APPLICATION APEND B

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Wednesday the 10th day of May, 2023.

Donnie T.A.M. Kern, Appellant,

against Record No. 230138
Court of Appeals No. 1671-22-3

Commonwealth of Virginia, Appellee.

Upon a Petition for Rehearing

On consideration of the appellant's pleading titled "petition for review," which is treated as a petition to set aside the judgment rendered herein on March 14, 2023, and grant a rehearing thereof, the prayer of the said petition is denied.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By:



Deputy Clerk

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Thursday the 12th day of January, 2023.

Donnie Kern, Appellant,

against Court of Appeals No. 1671-22-3

Commonwealth of Virginia, Appellee.

From the Court of Appeals of Virginia

On December 23, 2022, came the appellant, who is self-represented, and filed a motion for extension of time in this matter.

Upon consideration whereof, the Court grants the motion and the appellant shall have until February 19, 2023, to file a notice of appeal in the Court of Appeals of Virginia and a petition for appeal with the clerk of this Court.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By:



Deputy Clerk

TWENTY-FIFTH JUDICIAL CIRCUIT
OF VIRGINIA

EDWARD K. STEIN
Judge
Alleghany County Circuit Court
P.O. Box 670
Covington, Virginia 24426



540-965-1738
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July 18, 2022

Patrick R. Jensen, Esq., Special Prosecutor
VIA EMAIL

Jim H. Guynn, Jr., Esq.
Guynn, Waddell, Carroll & Lockaby, PC
VIA EMAIL

Mr. Donnie T.A.M. Kern
VIA EMAIL

RE: Commonwealth v. Donnie T.A.M. Kern
CL 20-827-00

Gentlemen:


The Court has reviewed the Motion for Nonsuit filed by the Petitioner together with a letter from the respondent that, while not addressed to the Court, appears to be his response to the motion.

There having been no prior nonsuit and there being no counterclaim, cross-claim or third-party claim in this action, the Commonwealth is entitled to a nonsuit as a matter of right, and it is therefore granted.

Pursuant to Code §24.2-236, the compensation withheld during the Respondent's suspension shall be paid back to the Alleghany County Public Schools or their successor in interest.

The Commonwealth is directed to prepare an order consistent with this opinion.

Very truly yours,


Edward K. Stein, Judge

cc: Clerk of Court

VIRGINIA:
IN THE CIRCUIT COURT OF ALLEGHANY COUNTY

COMMONWEALTH OF VIRGINIA,
Petitioner,

**ORDER OF NONSUIT and RETURN OF
WITHHELD COMPENSATION**

v.

DONNIE T.A.M. KERN,
Respondent.

Case No.
CL20000827

UPON CONSIDERATION OF the written motion to nonsuit and return withheld compensation, filed by the Commonwealth through her counsel, and the Respondent's letter to the Court noting his objection to those motions, the Court has reviewed the motions and issued a letter opinion on July 18, 2022.

The Court finds that there has been no prior nonsuit in this action, and no counterclaim, cross-claim or third-party claim has been filed. The Commonwealth is entitled to a nonsuit as a matter of right and it is therefore **ORDERED** that the Commonwealth's motion for nonsuit is **GRANTED**.

FURTHER, pursuant to Va. Code § 24.2-236, it is hereby **ORDERED** that the Commonwealth's motion to return the Respondent's withheld compensation to the Alleghany County Public Schools, or their successor in interest, is **GRANTED**.

The Clerk shall send certified copies of this order to counsel for the Commonwealth, the Respondent, *pro se*, and to Teresa Brown, Alleghany County Treasurer (9212 Winterberry Avenue, Suite F, Covington, Virginia 24426).

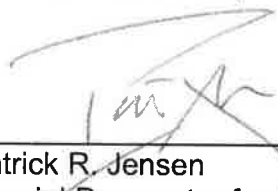
US SUP CT APPLICATION APEND D

There being nothing further to do in this matter, the Clerk shall strike it from the docket of active cases.

ENTER this _____ day of _____, 2022.

Judge

WE ASK FOR THIS:



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Chief Deputy Commonwealth's Attorney
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/signature Waived – Rule 1:13/
Donnie Kern, Respondent, *pro se*
115 Church Street
Clifton Forge, VA 24422