

# APPENDIX

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**TABLE OF APPENDICES**

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- Appendix A **Virginia Supreme Court ORDER on Rehearing**, No. 230138 *Donnie T.A.M. Kern v. Commonwealth of Virginia*  
(May, 10 2023).....Pet. App. 1
- Appendix B **Virginia Supreme Court ORDER deny Petition**; No. 230138 *Donnie T.A.M. Kern v. Commonwealth of Virginia*  
(March 14, 2023).....Pet. App. 2
- Appendix C **Virginia Supreme Court ORDER to file Petition**; No. 230138 *Donnie T.A.M. Kern v. Commonwealth of Virginia*  
(January, 12 2023).....Pet. App. 3
- Appendix D **Virginia Court of Appeals. ORDER dismiss petition for rehearing**; No. 1671-22-3. *Donnie T.A.M. Kern v. Commonwealth of Virginia*  
(December, 21 2022).....Pet. App. 4
- Appendix E **Virginia Court of Appeals. ORDER dismiss notice of appeal**; No. 1671-22-3. *Donnie T.A.M. Kern v. Commonwealth of Virginia*  
(November, 18 2022).....Pet. App. 5
- Appendix F **Circuit Court of Virginia. ORDER Nonsuit and Return of Withheld Compensation**; No. CL20000827.

(ii)

*Commonwealth of Virginia v. Donnie  
T.A.M. Kern  
(July, 18 2022).....Pet. App. 6*

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**APPENDIX A**

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Virginia:

In the Supreme Court of Virginia held at the  
Supreme Court Building in the City of Richmond  
on Wednesday the 10<sup>th</sup> day of May 2023

**Record No. 230138**

**Court of Appeals Record No. 1671-22-3**

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Donnie T.A.M. Kern,

Appellant,

v.

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

Pet. App. 2

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**APPENDIX B**

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Virginia:

In the Supreme Court of Virginia held at the  
Supreme Court Building in the City of Richmond  
on Tuesday the 14<sup>th</sup> day of March 2023

**Record No. 230138**

**Court of Appeals Record No. 1671-22-3**

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Donnie T.A.M. Kern,

Appellant,

v.

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

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**APPENDIX C**

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Virginia:

In the Supreme Court of Virginia held at the  
Supreme Court Building in the City of Richmond  
on Thursday the 12<sup>th</sup> day of January 2023

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**Court of Appeals Record No. 1671-22-3**

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Donnie Kern,

Appellant,

v.

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

Pet. App. 4

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**APPENDIX D**

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Virginia:

In the Court of Appeals of Virginia on

Wednesday the 21st day of December, 2022

**Record No. 1671-22-3**

**Circuit Court No. CL20000827**

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Donnie T.A.M. Kern,

Appellant,

v.

Commonwealth of Virginia,

Appellee.

Upon Petition for Rehearing

On consideration of the petition of the appellant to set aside the judgement rendered herin on the 18<sup>th</sup> day of November, 2022 and grant a rehearing thereof, the said petition is denied.

A Copy,

Teste:

A. John Vollino, Clerk

By:

Deputy Clerk

Pet. App. 5

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**APPENDIX E**

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Virginia:  
In the Court of Appeals of Virginia on  
Friday the 18<sup>th</sup> day of November, 2022

**Record No. 1671-22-3**  
**Circuit Court No. CL20000827**

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Donnie T.A.M. Kern,

Appellant,

v.

Commonwealth of Virginia,

Appellee.

From the Circuit Court of Alleghany County

The record reflects that the notice of appeal in this case was not timely filed with the clerk of the trial court. Accordingly, this case is dismissed. See *Turner v. Commonwealth*, 2 Va. App. 96 (1986). The order shall be certified to the trial court.

A Copy,

Teste:

B. John Vollino, Clerk

By:

Deputy Clerk



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**APPENDIX F**

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Virginia:  
In the Circuit Court of Alleghany County

**No. CL20000827**

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Commonwealth of Virginia,

Petitioner,

v.

DONNIE T.A.M. KERN,

Respondent.

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

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

Pet. App. 7

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).

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

Enter this 18<sup>th</sup> day of July, 2022

/s/ Judge Edward K. Stein