

VIRGINIA:

*In the Supreme Court of Virginia held at the Supreme Court Building in the
City of Richmond on Monday the 16th day of October, 2023.*

Frank Johnson,

Appellant,

against

Record No. 230499

Court of Appeals No. 0348-23-4

Commonwealth of Virginia,

Appellee.

From the Court of Appeals of Virginia

The appellant having failed to sign the petition for appeal and pay this Court's filing fee within the time allotted, it is hereby ordered that the said petition be dismissed. Rule 1:5A(c)(2); Rule 5:17(d).

Upon consideration whereof, the Court denies the appellant's September 5, 2023, motion to consider the petition for appeal as submitted.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By:

Deputy Clerk

VIRGINIA:

In the Court of Appeals of Virginia on Tuesday the 25th day of April, 2023.

Frank Bernard Johnson,

Appellant,

against

Record No. 0348-23-4

Circuit Court No. CR21-846

Commonwealth of Virginia,

Appellee.

From the Circuit Court of Arlington County

The record in this case was filed on February 27, 2023. Thus, appellant was required to file an opening brief by April 10, 2023. *See* Rule 5A:19(c)(1) and Code § 1-210. No opening brief has been filed.

Because the appellant has failed to file an opening brief, we dismiss the appeal pursuant to Rule 5A:26 (“If an appellant fails to file a brief in compliance with these Rules, this Court may dismiss the appeal”).

This order shall be certified to the trial court.

A Copy,

Teste:



Clerk