VIRGINIA:

IN THE SUPREME COURT OF VIRGINIA

CAMERON PAUL CROCKETT,
APPELLANT,

V. **RECORD NO. 141354**

COMMONWEALTH OF VIRGINIA,
APPELLEE.

APPELLANT'S MOTION FOR LEAVE TO FILE A PRO SE PETITION FOR REHEARING

COMES NOW Appellant, Cameron Paul Crockett, *pro se*, and respectfully moves this Court for leave to file the accompanying Petition for Rehearing in the above-captioned case. In support of this motion, Appellant states as follows:

Appellant finds himself forced by circumstance to make the instant motion. To be most concise, Appellant has provided appointed counsel, Mr. Afshin Farashahi, with studiously researched and professionally presented supplements containing absolutely crucial and likely determinative facts and arguments that have been ignored by counsel throughout the course of his representation[1]. Counsel's Petition for Appeal, like his previous filings in the Court of Appeals of Virginia, suffered greatly

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[1] This very problem is what led to Appellant's previous "Motion to Proceed Pro Se" upon perfection of the appeal before the Court of Appeals of Virginia

in persuasive force from the absence of this information. Because appointed counsel has, in effect, provided nothing more than *amicus curiae* representation through his deficient and uninspired arguments as well as through his neglect of Appellant's input, and because he will not rise to the level of active advocacy required to satisfy the Due Process and Equal Protection Clauses of the Fourteenth Amendment[2], Appellant submits that an injustice will be done here if his Petition for Rehearing is not received and reviewed by this Court.

It bears mention in the context of this request that, during oral argument on the Petition for Appeal on February 10, 2015, Judge Lacy and Judge McClanahan's questions struck directly at the heart of the voids left by counsel's disregard of Appellant's arguments. One of the two questions hinged on a fundamental misperception of the strength of the Commonwealth's principal witnesses and therefore had special application to Appellant's Brady challenge—the substance of which includes highly favorable late-disclosed pretrial statements impeaching these witnesses

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[2] *See e.g.* **Anders v. California**, 386 U.S. 738, 744 (1967) (The constitutional requirement of substantial equality and fair process can only be attained where counsel acts in the role of an active advocate in behalf of his client, as opposed to that of amicus curiae); *See also* VIRGINIA STATE BAR RULE OF PROFESSIONAL CONDUCT 3.1 (The advocate has a duty to use legal procedure for the fullest benefit of the client's cause) *and* VIRGINIA STATE BAR RULE OF PROFESSIONAL CONDUCT RULE 1.3 (A lawyer should act with commitment and dedication to the interests of the client and with zeal in advocacy upon the client's behalf).

and buttressing Appellant's defense that he was not the driver of the car on the night in question. The second question pertained to the "abuse of discretion" review exercised by appellate courts in examining a trial court's rejection of a motion for a new trial based on after-discovered evidence. This question is critical to the disposition of Appellant's assignment of error involving gripping evidence of a third-party confession by Jacob Palmer, the same individual identified by Appellant at trial as the true guilty party in this case. Alas, counsel failed to offer, in either his Petition for Appeal or during oral argument, the only responses to these questions that can convincingly compel a reversal of Appellant's erroneous conviction on these grounds. Appellant presents these arguments in his Petition for Rehearing so as to ensure his appeal will not be extinguished without a proper consideration of the merits of this case.

WHEREFORE, with it being shown that a fair disposition of this case cannot be reached without consideration of the arguments neglected by appointed counsel and contained in the accompanying Petition for Rehearing, Appellant humbly asks that this Court grant him leave to make the instant *pro se* filing.

Respectfully Submitted,

CAMERON CROCKETT
JUSTUM ET TENACEM PROPOSITI VIRUM

CERTIFICATE OF COMPLIANCE AND SERVICE

1. I, Cameron Paul Crockett, do hereby certify that this original motion and three (3) copies thereof have been sent to the Supreme Court of Virginia on this _____ day of _____, _____.

2. I, Cameron Paul Crockett, do hereby certify that a true copy of this motion has been sent to the Assistant Attorney General handling this case, Mr. Benjamin H. Katz, on this _____ day of _____, _____.

3. This motion, for the reasons stated above, is in compliance with Rule 5:4 of the Rules of the Supreme Court of Virginia.

_____ _____

DATE **SIGNATURE**

IN THE

SUPREME COURT OF VIRGINIA

RECORD NO. 141354

CAMERON PAUL CROCKETT,
Appellant,

v.

COMMONWEALTH OF VIRGINIA,
Appellee.

APPELLANT'S PETITION FOR REHEARING

Cameron Paul Crockett
D.O.C. # 1464770
Pocahontas State Correctional Center
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Appellant

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VIRGINIA:

IN THE SUPREME COURT OF VIRGINIA

CAMERON PAUL CROCKETT,
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COMMONWEALTH OF VIRGINIA,
APPELLEE.

ARGUMENT IN SUPPORT OF THE PETITION FOR REHEARING

I. THE TRIAL COURT ERRED IN OVERRULING, AND THE COURT OF APPEALS ERRED IN RULING THE TRIAL COURT DID NOT ABUSE ITS DISCRETION IN OVERRULING, APPELLANT'S MOTION FOR A NEW TRIAL BECAUSE APPELLANT PRESENTED EVIDENCE OF A THIRD PARTY CONFESSION THAT MET ALL FOUR ELEMENTS OF AFTER-DISCOVERED EVIDENCE

The testimony of Elizabeth Wales is such that it would absolutely produce a different result on the merits at another trial. It incriminates the very individual whom Appellant identified as the true driver at trial and the trial court clearly abused its discretion in rejecting this evidence as too "vague" to produce an acquittal. Wales testified that, while attending Cox High School at the end of May 2011[1], she heard Jacob Palmer tell his then-girlfriend Nicole Vaughan, "I just got free... I thought I killed them both" (Appendix at 1332). Wales heard Palmer mention "Jack" during this conversation[2] and also heard Palmer go on "talking about how he had—was just going to go about his life and live like he

[1] Appellant's first trial lasted from May 23, 2011 to May 27, 2011.

[2] "Jack" Korte is the name of the deceased in this case.

had done nothing" (App. at 1332). Wales further testified that Palmer appeared "arrogant" and said he "got away with his own crime" (App. at 1332, 1338).

This testimony goes directly to the heart of Appellant's defense that Jacob Palmer was the driver of his vehicle on the night in question. These incriminating statements, made by Palmer apparently after believing Appellant's first trial was over, would radically change the trajectory of the case. When this evidence is placed into the context of the evidence adduced at trial, **Whittington v. Commonwealth**, 5 Va. App. 212, 216 (1987), it is obvious that it would produce an opposite result at a new trial. Appellant testified that he and Korte were invited by Palmer to smoke a "blunt" and that he gave his keys to Palmer to drive them all to the store in his vehicle because he and Korte were too drunk to drive. Defense witnesses Josh Reddy and Ammarrell Barretto both testified that Palmer disappeared from the party at the exact same time as Appellant and Korte; and critically, Reddy testified that, before leaving, Palmer asked him what he wanted from the store. Barretto testified that, upon Palmer's return some hours later, he was "breathing kind of heavy", "acting really like weird and sketchy" and "asking about [Appellant] and [Korte]". Moreover, a new jury would know that Palmer's phone records corroborate that he left the party no later than 11:06 pm-- which just happens to coincide exactly with when Appellant and Korte left-- and that he was gone for hours (App. at 1004-1013). They would know that Appellant was found in the backseat after a sideways

impact. They would know that no eyewitness can credibly rule out a fleeing driver[3]. They would know that, while the driver's side airbag could have easily been tested by police to determine the identity of the driver, there is no physical evidence against Appellant because the police failed to preserve it. Another jury would be irresistibly compelled by Palmer's callous and selfish remarks, made after mistakenly believing he no longer had anything to worry about, that he "just got free" and "thought [he] killed them both". A not guilty verdict would be inevitable with the testimony of Elizabeth Wales.

ABUSE OF DISCRETION:

Lawlor v. Commonwealth, 287 Va. 185 (2012) provides that a trial court abuses its discretion where it "commits a clear error in judgment" **Ibid**, at 212-213 (Internal quotations and citations omitted). Appellant firmly submits that the trial court abused its discretion in making an unsupportable decision on this issue. There is absolutely nothing "vague" about Wales' description of Palmer's gloating about "getting free" right after Appellant's first trial. To dismiss this testimony as "vague" was patently unreasonable.

But the trial court can also abuse its discretion where its decision is "influenced by [a] mistake of law". **Id.** (Internal quotations and citations omitted). Here, Appellant contends that the trial court invaded the province of

[3] This will be discussed at greater length in the section on Appellant's Brady challenge.

the jury in wrongfully assuming for itself the responsibility of weighing Ms. Wales' credibility, leading to a decision-making process that was itself unlawful. This Court, in the seminal case of **Hines v. Commonwealth**, 136 Va. 728, 117 S.E. 843 (1923), which also involved after-discovered evidence of a third party confession, held that it is not the trial judge's place in this context to determine the credibility of the witness who undertakes to repeat the admission. Specifically, Hines holds that the judge must order a new trial if the evidence is such that, *if believed by the jury*, it would produce an opposite result on the merits at a new trial. The Court stated: "We do not undertake to say what weight a jury would give to the new evidence; but it certainly ought to change the result if it is worthy of belief, and *whether it is worthy of belief is a question which ought to be settled, not by the court, but by a jury.*" **Id.**, at 848-850 (Emphasis added). The Court further commented, "[T]he evidence itself is important to the ends of justice... [and] the truth of the admission itself, and the credibility of the witness who undertakes to repeat the admission must... address itself to and be settled by the jury". **Id.**, at 848.

In the instant case, if a jury were to believe that Palmer made the statements in question, then they would find Appellant not guilty. In unilaterally dismissing Wales' testimony as "vague", the trial judge improperly resolved a jury question for himself, usurping the province of the factfinder in the process.

The very same error was reversed in **Hopkins v. Commonwealth**, 19 Va. App. 1 (1996), where the "trial judge... concluded he did not find the witnesses credible but failed to consider whether a jury could have"[4]. **Id.**, at 10. The Hopkins court went on to explain that any "conflicting explanation 'is a matter for a jury, unless the explanation is unreasonable as a matter of law, or inherently incredible or such that reasonable men could not differ as to its effect'". **Id.**, at 9, quoting **Riley v. Harris**, 211 Va. 359, 363 (1970). That the trial court perceived Wales' testimony as "vague" does not mean that a jury would disbelieve her. Quite the contrary, Appellant reiterates that Wales' testimony is material and demands submission to a jury—especially in light of how it would sit at the pinnacle of an underwhelming Commonwealth case and defense evidence implicating Jacob Palmer already available at trial.

The exclusion of this evidence, and the trial court's usurpation of the province of the jury in justifying this exclusion, jointly amount to an abuse of discretion and violate Appellant's federal and state constitutional due process rights to a fair opportunity to defend himself against the Commonwealth's accusations by presenting witnesses before a jury of his peers. Should this evidence remain unseen by another jury, it would be a grave injustice and a contemptible affront to the foundations of our criminal justice system.

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[4] The same trial court error was also reversed in **Whittington v. Commonwealth**, 5 Va. App. 212, 216-217 (1987).

II. THE COURT OF APPEALS ERRED IN RULING THAT APPELLANT'S BRADY[5] CHALLENGE WAS NOT PRESERVED.

The Court of Appeals' ruling on this issue is unabashedly wrong and without any support in the jurisprudence of this Court. In fact, Rule 5A:18 and Rule 5:25, while "generally sound", are so "exorbitant[ly] appli[ed]" here as to render their enforcement under these particular circumstances "inadequate to stop consideration of a federal question" upon any future review in federal court. **Lee v. Kemna**, 534 U.S. 362, 376 (2002). Justice demands its reversal, irrespective of the possibility that this Court might nonetheless find the statements to be immaterial under Brady and its progeny.

The question of preservation revolves around whether "whether the trial court had the opportunity to rule intelligently on the issue". **Scialdone v. Commonwealth**, 279 Va. 422, 437-438 (2010). Appellant filed a motion for a new trial and in that motion set out specifically what he alleged was the failure to disclose exculpatory evidence. This allegation was included as a distinctly independent element of the multifaceted motion for a new trial (App. at 81-85). Counsel then clearly argued the substance of Appellant's Brady claim at the new trial hearing (App. at 1275-1281), undeniably "alert[ing]" the trial court an giving it an "opportunity to take corrective action". **Brown v. Commownealth**, 23 Va. App. 225, 230 (1996) (Holding that argument covering ten pages of

[5] **Brady v. Maryland**, 373 U.S. 83 (1963).

transcript was sufficient to preserve issue). Any confusion of the matters at hand caused by counsel's submission of multiple grounds for relief was dispelled at the outset of counsel's arguments when the court asked counsel, "Is this pertaining to the seatbelt issue or is this another issue?", and counsel responded, "...*[Y]es, it is another issue within the motion that I had filed*" (App. at 1275-1276) (Emphasis added). After considering the issue, the court did address it by finding, however erroneously, that the statements were cumulative and therefore immaterial (The trial judge at one point stated, "Of course, all of these things, Ms. Bennett, were things that were argued at the time of trial by counsel." (App. at 1280)).

There should be no doubt that, in unambiguously including the Brady claim as an independent element of his motion for a new trial and in arguing the materiality of the plainly late-disclosed statements before the court in the motion hearing, this Appellant[6] absolutely gave the trial court an opportunity to intelligently address the issue. To be sure, the trial judge "underst[ood] the precise question he [was] called upon to decide", **Jackson v. Chesapeake & Ohio Ry. Co.**, 179 Va. 642, 651 (1942), and the Commonwealth cannot make any argument that the Brady challenge constitutes an "undisclosed ground" for relief. **Fisher v. Commonwealth**, 236 Va. 403, 414 (1988).

[6] After all, Rule 5:25 "focuses on *the actions of the litigant*", not of the trial court. **Commonwealth v. Amos**, 287 Va. 301, 307 (2014).

At bottom, the Supreme Court of Virginia has "consistently applied th[e] well-established principle [that]... a circuit court speaks *only* through its orders". **Roe v. Commonwealth**, 271 Va. 453, 457 (2006) (Emphasis added). "This language generally refers to instances *when some conflict or ambiguity exists between the language expressed in a transcript and a court's order...*". **Commonwealth v. Williams**, 262 Va. 661, 668 (2001) (Emphasis added). In cases where the court's order has arguably differed from what is reflected in the transcript, this Court has repeatedly and unequivocally refused to adopt anything other than the plain language of the order as determinative of the issue. *See e.g.* **Robertson v. Superintendent of Wise Correctional Unit**, 248 Va. 232, 235 n.* (1994) (Declining to consider Commonwealth's interpretation of the sentencing proceeding transcripts over the court's order); **Stamper v. Commonwealth**, 220 Va. 260, 280-281 (1979) (Holding that the court's order, rather than a transcript "that may be flawed by omissions, accurately reflects what transpired"); and **Waterfront Marine Construction v. North End 49ers Sandbridge Bulkhead Groups A, B, and C**, 251 Va. 417, 427 n.2 (1996) (Rejecting a party's argument that relied on what the trial judge said in court and presuming the court's order reflects the court's ruling). In the instant case, the trial court's final order states: "The court denied defendant's motion for a new trial" (Appendix at 153). It follows logically that Appellant's Brady challenge was preserved.

III. THE TRIAL COURT ERRED IN OVERRULING APPELLANT'S MOTION FOR A NEW TRIAL BECAUSE IT WAS SHOWN THAT THE COMMONWEALTH FAILED TO DISCLOSE EXCULPATORY EVIDENCE IN A TIMELY MANNER, AND THE COURT OF APPEALS ERRED IN FINDING THAT THE SUPPRESSED EVIDENCE WAS IMMATERIAL.

The Commonwealth relied on one purported eyewitness and a handful of other witnesses who subsequently responded to the wreck to argue that nobody could have fled the scene without being detected. While it was shown at trial that no single witness actually kept the vehicle constantly in sight either before or after it crashed, the three late-disclosed statements in question here have even more to say about that most contentious issue. Indeed, they could have been used to convincingly impeach a number of these witnesses as well as to buttress Appellant's argument that the driver did in fact escape without being seen.

The cumulative effect of the deliberately suppressed statements[7] is the critical ingredient to this Brady challenge. The witnesses to which these statements pertain were the Commonwealth's key players at trial. Antoine Smith was offered by the Commonwealth as the sole eyewitness to the

[7] When trial counsel made specific motion after the May 2011 mistrial for any and all evidence prior inconsistent statements of, specifically, Antoine Smith, the Commownealth misrepresented that they had no such evidence (App. at 29-33). "[T]he reviewing court may consider directly any adverse effect that the prosecution's failure to respond might have had on the preparation or presentation of the defense's case". **United States v. Bagley**, 473 U.S. 667, 683 (1985).

accident. Pamela Patrick and James Reid were the first responders to approach the wreck, and Kenneth Buechner[8] was the first police officer to arrive on scene.

Antoine Smith's statement (App. at 97-101) contradicts her trial testimony in several significant ways. While Smith did admit that "there were periods of time when [she] didn't know whether somebody got out of the car or not", she was still the only witness in any kind of position to have possibly seen a fleeing driver. The Commonwealth relied heavily in closing arguments on her testimony and on her supposed perspective of having "seen it all" to convince the jury that no one could have fled without her taking notice of it (App at 1065-66). Most important of the inconsistencies between Smith's testimony and her pretrial statement was her testimony that she was "as sure about" the car "spinn[ing] three times" as "anything else [she had] told [the jury]" (App. at 499), whereas in her police statement she stated the car simply slid into the tree. This inconsistency represents a radical asymmetry in Smith's recollection and challenges her credibility. Appellant could have pursued a devastating cross-examination of Smith had he been able to confront her with her own prior inconsistent statement after she testified she was "as sure about" the car spinning as she was about her testimony, for example, that she did not see anyone exit the vehicle and flee the scene. And while the inconsistencies

[8] James Reid's statement impeaches Kenneth Buechner's testimony.

between her trial testimony and her statement to police may not necessarily go directly to the issue of who was driving the car, "Evidence relevant to the credibility of a witness is as material in the constitutional sense as evidence which goes directly to the question of guilt where 'the jury's estimate of truthfulness and reliability of a given witness may well be determinative of guilt or innocence'". **Fitzgerald v. Bass,** 6 Va. App. 38, 53 (1988), quoting **Dozier v. Commonwealth**, 219 Va. at 1118 (1979). *See also* **Workman v. Commonwealth**, 272 Va. 633, 650 (2006) (Credibility of key witness is "significant issue" at trial and impeachment evidence is "critical evidence" in this context). In the end, if the jury could not believe Smith, they would have been left without any evidence to directly rebut Appellant's theory of innocence, making the presence of reasonable doubt as to guilt much more conspicuous.

James Reid's statement (App. at 102-107) reveals that, contrary to Officer Buechner's damaging testimony, Appellant was not "unconscious" with his "feet under the steering wheel" when Buechner arrived. Reid's police interview shows beyond any doubt that Appellant, whose "whole [body]" was in the backseat, began to regain consciousness and started to move around inside the vehicle some four or five minutes before Officer Buechner arrived on the scene. To be exact, not only was Appellant conscious and moving, but he was "bound and determine[d] to get out of the car". Such contradiction is so vital to Appellant's case because Buechner's unrefuted testimony illustrated a

description of Appellant in the vehicle that appeared highly incriminating. Reid's suppressed statement would have shown definitively that Appellant was conscious and moving upon Buechner's arrival; and because he was conscious and moving in those moments, it is clear that, if he was seen with his feet under the steering wheel, it was not as an immediate result of the physics of the accident, but rather as a result of his desperate attempts to clear himself of the wreckage.

Buechner's testimony was integral to the Commonwealth's case and they leaned heavily on his observations in closing arguments: "And when officers arrived minutes later, the defendant was still unconscious and his feet were under the steering wheel. His feet were under the steering wheel... Officer Buechner, feet under the steering wheel and not moving. He didn't move until after officers got there. He started to move when Officer Buechner was trying to hold his—his neck still... that's when he roused. Not prior. Feet under the steering wheel" (App. at 1064, 1120). Appellant was immensely prejudiced by the absence of the Reid statement, especially in light of how the Commonwealth exploited that absence in their closing arguments. *See* **Monroe v. Angelone**, 323 F.3d 286, 314 (4th Cir., Va., 2003) and **Workman**, at 650 (Considering the importance, in the Brady sense, of the prosecution's reliance on a particular witness' testimony in closing arguments). With the Reid statement in hand,

Appellant could have thwarted the only testimony tending to portray Appellant's positioning as consistent with that of having been the driver.

Additionally, it should be noted that the interview with Reid took place on May 8, 2009, nearly half a year after the accident. This unreasonable delay in locating and interviewing such a significant witness, especially when considering the exculpatory nature of his observations, could have been used by Appellant at trial to attack the thoroughness and even the good faith of the police investigation. *See* **Workman**, at 646; **Kyles v. Whitley**, 514 U.S. 419, 446 (1995).

With respect to how the undisclosed Smith and Reid statements affect the evidentiary landscape in this case, "Reversal is the proper remedy [because] [the suppressed] evidence... depreciates the value of testimony [ ] central to the prosecution's case". **Burrows v. Commonwealth**, 17 Va. App. 469, 472 (1993).

Pamela Patrick's statement (App. at 108-109) shows that she engaged Smith in a brief conversation immediately following the accident, distracting both women's attention away from the wreck. The statement further reflects that Patrick asked Smith, "You weren't in that car, were you?" This shows with the kind of resounding clarity absent from Appellant's trial that it was perfectly plausible, from the first responder's perspective and in the heat of the response,

that someone could have exited the vehicle before anyone responded to the scene. This would have been very powerful evidence in the hands of the defense.

Brady challenges must be reviewed not item by item, but in considering the cumulative effect of all suppressed items. **Kyles,** at 437. In the instant case, Appellant was prejudiced by the nondisclosure of these statements. In their absence, confidence in the verdict is undermined and Appellant was deprived of the right to a fair trial. Had Appellant been able to: (1) impeach Smith with her prior inconsistent statement; (2) effectively neutralize Buechner's stinging testimony; (3) introduce Patrick's belief that someone could have exited the vehicle in the time it took her to respond; and (4) further impugn the thoroughness and good faith of the police investigation, then there is a "reasonable probability" that the result of the proceeding would have been different. **Bagley**, at 678.

In assessing the strength of a Brady challenge, "The materiality inquiry is a context-specific determination". **Lockhart v. Commonwealth**, 34 Va. App. 329, 346 (2001). There is no physical evidence against Appellant. Antoine Smith was the only purported eyewitness to the accident. Kenneth Buechner is the only witness who placed Appellant with his feet under the steering wheel. The credibility of these crucial witnesses is a "significant issue at trial" and

impeachment material is "critical evidence" here-- especially since the prosecution leaned on these witnesses in closing. **Workman**, at 650. And Patrick's statement provides important, direct exculpatory evidence. Ultimately, "the omission must be evaluated in the context of the entire record... if the verdict is already of questionable validity, additional evidence of relatively minor importance might be sufficient to create a reasonable doubt". **United States v. Agurs**, 427 U.S. 97, 112-113 (1976). Taking into consideration the lack of physical evidence against Appellant, the initial discovery of Appellant in the backseat, Appellant's testimony, and evidence implicating Jacob Palmer already available at trial, the verdict does not inspire great confidence even absent the suppressed evidence. However, when that absent evidence is figured into the equation, the cumulative impact of said evidence would have likely tipped the scales in favor of Appellant, as "at least one juror's" assessment of the case would have been altered. **Cone v. Bell**, 556 U.S. 449, 452 (2009).

CONCLUSION

Appellant has provided this Court with several reasons why he did not receive a fair trial, why the trial court should have granted a motion for a new trial, and why a panel of the Court of Appeals should have reversed Appellant's conviction. Therefore, Appellant respectfully requests that this Court grant the petition for rehearing.

4-10-15

CERTIFICATE OF SERVICE AND COMPLIANCE

1. I, Cameron Paul Crockett, do hereby certify that ten (10) true copies of the foregoing Petition for Rehearing have been sent to the Clerk of Court for the Supreme Court of Virginia on this 10th day of April, 2015.

2. I, Cameron Paul Crockett, do hereby certify that a true copy of the foregoing Petition for Rehearing has been sent to counsel for the Commonwealth, Mr. Benjamin H. Katz, Esq., at the Virginia Attorney General's Office on this 10th day of April, 2015. A copy has also been sent to appellate counsel, Mr. Afshin Farashahi, on this 10th day of April, 2015.

3. I, Cameron Paul Crockett, do hereby certify that this Petition for Rehearing is fifteen (15) pages in length minus the cover page, table of contents, table of authorities, and certificate; and therefore, this paper is in compliance with Rule 5:20 of the Rules of the Supreme Court of Virginia.

4. I, Cameron Paul Crockett, do hereby certify that this Petition for Rehearing is also in compliance with Rule 5:6 of the Rules of the Supreme Court of Virginia.

4-10-15

DATE

SIGNATURE