



IN THE
Supreme Court of Virginia
AT RICHMOND

RECORD NO. 831738

WATSON W. GREGG,

Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Appellee.

APPENDIX

F. Warren Haynie, Jr.
Post Office Box 235
Heathsville, VA 22473

Michael E. Ornoff
Assistant Attorney General
101 North Eighth Street
Richmond, VA 23219

Counsel for Appellant

Counsel for Appellee

TABLE OF CONTENTS

	<u>Pages</u>
1. PETITION WITH ATTACHMENTS, FILED JUNE 3, 1983 -----	1
2. ORDER, FILED JULY 26, 1983 -----	4
3. ASSIGNMENTS OF ERROR -----	6

PETITION

TO THE HONORABLE JUDGES OF THE AFORESAID COURT:

Your Petitioner, by counsel, pursuant to Section 19.2-392.2 of the Code of Virginia (1950, as amended), respectfully represents as follows:

1. On June 11, 1975, R. Llewellyn Beatley, magistrate, issued an arrest warrant for Petitioner based on the sworn statement of G. R. Rutz, State Police, a copy of said warrant being attached hereto.

2. In pertinent part, the warrant charged that the Petitioner did: "unlawfully possess a Schedule 1 controlled drug to wit marihuana in violation of Sec. 54-524.101.2."

3. Petitioner was treated as a first offender under Section 54-524.101:3 of said Code and the charge against him was subsequently dismissed by the Northumberland County General District Court on March 15, 1976.

4. The continued existence and dissemination of information relating to the arrest of the Petitioner has caused and may in the future cause circumstances which constitute a manifest injustice to the Petitioner.

WHEREFORE, Petitioner prays that the Court enter an Order requiring the expungement of the police and court records relating to the charge; that such order be served upon the Criminal Justice Services Commission, and for such other and further relief as the law provides.

Watson W. Yancy
Petitioner
By Counsel

F. Warren Haynie, Jr.
F. Warren Haynie, Jr., p.q.
Haynie & Withers
P. O. Box 235
Heathsville, Virginia 22473

STATE OF VIRGINIA

COUNTY OF Northumberland

To-Wit:

No. _____

TO ANY SHERIFF OR POLICE OFFICER:

Whereas, G. R. Rutz, State Police

has this day made complaint and information on oath before me, R. Llewellyn Beatley
(Name)

Magistrate
(Title) of the said County, that

Watson Willard Gregg in the said County

did on the 11 day of June, 1975: Unlawfully POSSESS A
SCHEDULE 1 CONTROLLED DRUG TO WIT
MARIJUANA IN VIOLATION OF SEC. 54-524.101.2

On the basis of the sworn statement (s) of G R Rutz State Police

the undersigned has found probable cause to believe the accused has committed the offense.

These are, therefore, to command you, in the name of the Commonwealth, to apprehend and bring before the Circuit—
County—Juvenile & Domestic Relations Court of the said County, the body (bodies) of the above accused, to answer the
said complaint and to be further dealt with according to law. And you are also directed to summon:

_____	color _____	Address _____	<input type="checkbox"/>
_____	color _____	Address _____	<input type="checkbox"/>
_____	color _____	Address _____	<input type="checkbox"/>
_____	color _____	Address _____	<input type="checkbox"/>
_____	color _____	Address _____	<input type="checkbox"/>

as witnesses.

Given under my hand and seal, this 11 day of June, 1975
R. Llewellyn Beatley
(Seal)
Magistrate

STATE OF VIRGINIA—COUNTY OF _____, to-wit:
I, _____ a Judge of the: Circuit—County—J. & D. R. Court in and for the County aforesaid, State of Virginia, do
Justice of the Peace
certify that _____
and _____, as his suret _____, have this day each acknowledged themselves indebted
to the Commonwealth of Virginia in the sum of _____ Dollars
(\$ _____), to be made and levied of their respective goods and chattels, lands, and tenements to the use of the Commonwealth to be
rendered, yet upon this condition: That the said _____, shall appear before the _____ Circuit—County _____ Court
of _____ County, on the _____ day of _____, 19____
at _____ M., at _____ Virginia, and at any time or times to which the proceedings may be continued or
further heard, and before any court thereafter having or holding any proceedings in connection with the charge in this warrant, to answer for
the offense with which he is charged, and shall not depart thence without the leave of said court, the said obligation to remain in full force and
effect until the charge is finally disposed of or until it is declared void by order of a competent court; and upon further condition that the said
_____ shall keep the peace and be of good behavior for a period of _____ days from the
date hereof. Nonappearance shall be deemed to constitute a waiver of trial by jury.
Given under my hand, this _____ day of _____, 19____ Judge—J. P.

DOCKET NO. A-3734

COMMONWEALTH

WARRANT OF ARREST

vs. Walter Michael Greeng

3152 N 21st St

Arlington Va

Executed this, the 11 day of

June, 1975

Joseph A. Kelly, Jr. S.F.
Serving
Officer

Upon the examination of the within charge, I find the accused

3/8/75 3/15/76

Guilty and fine him \$
and direct that he pay \$3
costs of court

advised under oath that he did not
then charged with any drug
violation until 3/8/75
3/15/76

Dismissed in past offense -
if charged again will be
arrested again

Fine _____
Costs _____
Total _____

The following witnesses were recognized

to appear before the _____ Court of
Juvenile & Domestic Relations

County, 3

Virginia, at _____
M., on the _____

day of _____, 19____

under penalty of \$ _____

Fine _____

Liquidated Damages _____ COSTS

Warrant _____

Trial _____

Bail _____

Arrest _____

Cost of Court _____

Committal (Date _____)

Witnesses _____

Sheriff/Sergeant: _____

Fees _____

Mileage _____

Commonwealth Attorney _____

Weighing Fee _____

Reportable Violation D.M.V. (\$5.00) _____

D.M.V. Abstract Fee (50¢) _____

Blood (Sample \$ _____ Analysis \$ _____)

Court Appointed Attorney _____

Total Costs _____

O R D E R

This matter came on this day to be heard upon the petition of Watson W. Gregg pursuant to Section 19.2-392.2 of the Code of Virginia (1950), as amended; upon evidence presented in open court and was argued by counsel.

And it appearing to the Court that petitioner was treated as a first offender under Section 54-524.101;3 of said Code in the General District Court of Northumberland County, and the charge against him was subsequently dismissed by the Northumberland County General District Court on March 15, 1976, pursuant to Section 18.2-251 of the Code of Virginia (1950), as amended, and that this charge is not a proper charge to be expunged, it is therefore

ADJUDGED, ORDERED and DECREED that the petition is hereby denied.

ENTER

DATE

July 26, 1983

JUDGE

Rixon L. Foster

I ASK FOR THIS:

Edna D. Barber

Edna D. Barber
Commonwealth Attorney

SEEN: & objected to

F. Warren Haynie, Jr.

7-25-83
Copy 7

F. Warren Haynie, Jr.
Counsel for Petitioner
Haynie & Withers
Heathsville, Virginia 22473

ASSIGNMENTS OF ERROR

1. The Court erred in holding as a matter of law that §19.2-392.2 of the Code is not applicable to a proceeding under §54-524.101:3 of the Code.