IN THE

SUPREME COURT OF VIRGINIA

RECORD NO. 091120

ERIC AMIR GHAMESHOULY, s/k/a
ERIC AMIR GHAMESOULY,

Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Appellee.

BRIEF FOR THE COMMONWEALTH

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Appellee.

BRIEF FOR THE COMMONWEALTH

STATEMENT OF THE CASE

In a bench trial in the Circuit Court of Virginia Beach on July 24, 2007, Eric Amir Ghameshlouy was convicted of failure to provide identification to a police officer under § 23-7.1 of the Virginia Beach Municipal Code. On

that same day the judge sentenced the defendant to 12 months incarceration, all suspended. (App. 114).

On May 5, 2009, the Court of Appeals dismissed the appeal for failure of the defendant to make the City of Virginia Beach a party to the appeal. Ghameshlouy v. Commonwealth, 54 Va. App. 47, 675 S.E.2d 854 (2009). (App. 155-193). This Court granted a petition for appeal on September 11, 2009.

ASSIGNMENTS OF ERROR

I. THE COURT OF APPEALS ERRED BY FINDING THAT THE FAILURE TO NAME THE CITY OF VIRGINIA BEACH IN THE NOTICE OF APPEAL IN A MISDEMEANOR APPEAL OF A CITY CODE VIOLATION IS AN ISSUE OF SUBJECT MATTER JURISDICTION, REQUIRING DISMISSAL OF THE APPEAL, AS OPPOSED TO NOTICE MATTER JURISDICTION, WHICH COULD BE, AND IN THIS CASE WAS, WAIVED.

II. THE TRIAL COURT ERRED IN FINDING APPELLANT GUILTY OF FAILING TO PROVIDE IDENTIFICATION TO LAW ENFORCEMENT UNDER VIRGINIA BEACH MUNICIPAL CODE SECTION 23-7.1, WHEN APPELLANT WAS NOT IN A PUBLIC PLACE OR A PLACE OPEN TO THE PUBLIC WHEN APPELLANT FAILED TO IDENTIFY HIMSELF, AND THE COURT OF APPEALS OF VIRGINIA ERRED BY FAILING TO REACH THIS ISSUE.

QUESTIONS PRESENTED

I. DID THE COURT OF APPEALS PROPERLY DISMISS THE MISDEMEANOR APPEAL FOR FAILURE TO NAME THE CITY AS A PARTY IN THE NOTICE OF APPEAL?

II. FOR PURPOSES OF THE INDENTIFICATION REQUIREMENT, WAS THE HOTEL ROOM A PLACE OPEN TO THE PUBLIC?

STATEMENT OF FACTS

On February 24, 2007, Christian Wilson was working at an Econo Lodge in Virginia Beach for a private security company. (App. 25). Having recently received a complaint of loud noise about a particular room, he went to that room. (App. 26-27). At the time he spoke with the defendant who agreed that he would reduce the noise. (App. 26-27). Because of continuing complaints, Wilson returned to the room two more times. (App. 27-28). On the third time Wilson heard a loud thump in his office and went to the room and stood outside. (App. 28). He then heard another thump "followed by a male voice saying, Don't you ever F—ing touch me again." (App. 28). The defendant then came to the door without a shirt and "gave [him] a little bit of attitude with his voice." (App. 28). Wilson decided to

call the police “to have them removed from the property and I felt I wouldn’t be able to do it by myself.” (App. 28).

The defendant was not a registered guest of the room, which was registered to the mother of the defendant’s companion, a 17-year old female. (App. 29).

Pursuant to Wilson’s call, the police arrived. Officer W. A. Frederick of the Virginia Beach Police first spoke with Wilson, who told him “there was a possible ongoing domestic in the room.” (App. 40). Wilson also said that he had gone to the room previously that night. (App. 40-41). He asked “for assistance in having the occupants removed from the premises.” (App. 41). The police waited outside the room until they heard someone say “Stop it, or, Shut up,” and then knocked on the door. (App. 33-34).

When the door was opened by a young female, the defendant’s girlfriend, they told her why they were there, that there was a call about a disturbance coming from the room and that they wanted to check and make sure everybody was okay. (App. 41). In response she opened the door and stepped back. (App. 41). When Officer Karl Harvey asked Ghameshlouy for identification, he said that he did not have an ID. (App. 36).

In response to questions about his name and age, the defendant gave inconsistent responses about his name, date of birth and age. (App. 42-44). Performing a pat down of his person, Officer Frederick found a picture ID in the defendant's pants pockets which revealed his true name and date of birth. (App. 44). He was then arrested for his failure to identify himself. (App. 45).

At trial the defendant argued only that the area where he was asked to give his identification was not open to the public. In response to that argument the trial court ruled as follows:

> There has to be a difference, and I think that that difference is important. I think that first of all he's not - he's in a place he's not supposed to be. He's not the registered guest there. The owner of the establishment through their security guard wants him out. It is a place that is accessible to the public. Anyone can go there and rent a room if they would like. That particular room was in use, but it wasn't going to be in use much longer, and they opened the door and the police officers went in. I am going to find that it does fall within the meaning of - let's see what is the wording? In the second part of the statute. Well, public place or place open to the public. So I am going to find that it falls within that category of offenses that would - would make him guilty of the offenses of refusing to identify to a police officer. I think that it's a hotel - the fact that it's a hotel - I mean, the fact that it's a hotel room and not his home is the defining issue in this case. If it were his home I think that's obviously – that there would be an issue.

(App. 81-82).

ARGUMENT

I. THE COURT OF APPEALS PROPERLY DISMISSED THE APPEAL BECAUSE IT DID NOT HAVE JURISDICTION.

The Court of Appeals determined that it could not entertain Ghameshlouy's appeal of his misdemeanor conviction for violation of the ***city ordinance***. It so ruled because he had not named the city, the proper and indispensable party to the appeal, in his notice of appeal to that Court. It also determined that this jurisdictional defect had not been waived.

The Court of Appeals ruled:

> We now dismiss that part of appellant's appeal challenging his local misdemeanor conviction due to his failure to perfect an appeal as to that conviction. For such an appeal, appellant was required to name the City of Virginia Beach in the notice of appeal because the City, as the prosecuting authority on the local misdemeanor charge, was an indispensable party. Appellant, however, did not name the City of Virginia Beach as a party in either the notice of appeal or the accompanying certificate of service — naming only the Commonwealth of Virginia.

Ghameshlouy, 54 Va. App. at 51, 675 S.E.2d at 856 (Citations omitted). (App. 157).

The Court explained its ruling as follows:

> Appellant thus failed to file a timely notice of appeal of his local misdemeanor conviction as required under Rule 5A:6 (a). That is to say, as to the misdemeanor conviction, a notice of appeal was not filed within 30 days of the final order entered upon the

> conviction; and the notice of appeal that appellant did file was "'"ineffective" and the appeal [was] never properly perfected'" as to that conviction. Woody [v. Commonwealth], 53 Va. App. [188,] 195, 670 S.E.2d [39,] 43 [(2008)] (quoting Watkins v. Fairfax County Dep't of Family Servs.], 42 Va. App. [760,] 774, 595 S.E.2d [19,] 26 [(2004)]); In short, no notice of appeal was filed as to the misdemeanor conviction. Accordingly, this Court is without jurisdiction to review appellant's misdemeanor conviction.

Ghameshlouy, 54 Va. App. at 52-53, 675 S.E.2d at 856-57. (Other citations omitted) (App. 158-59).

The Court ruled that Rule 5A:6(a) was mandatory and jurisdictional. Id. at 53, 675 S.E.2d at 856. (App. 158-59). Although it did not address the issue of whether that sort of jurisdiction was waivable, it ruled that neither the city nor the Commonwealth had waived the lack of jurisdiction. The defendant does not challenge the finding of lack of jurisdiction but says that defect was waivable and was, in fact, waived by the city or the Commonwealth.

Not Waivable

This case first presents the issue of what kinds of jurisdiction are not waivable, complicated by the fact that the question is one of appellate jurisdiction. Since the case involves a non-waivable jurisdictional defect, it cannot be waived.

The first question is whether an appellate court has jurisdiction of an appeal not properly before it. This Court has said that the presence of necessary parties "'is an absolute necessity, without which the court cannot proceed. In such cases the court refuses to entertain the suit, when these parties cannot be subjected to its jurisdiction.'" Jett v. Degaetani, 259 Va. 616, 620, 528 S.E.2d 116, 119 (2000) (quoting Bonsal v. Camp, 111 Va. 595, 597-98, 69 S.E. 978, 979 (1911) (quoting Barney v. Baltimore City, 73 U.S. (6 Wall.) 280, 284 (1867))). It is undisputed here that the City of Virginia Beach was an indispensable party to the appeal of the local ordinance violation conviction.

The Court has ruled that a petition for a writ of certiorari filed late but naming the proper appellee in an appeal of an administrative decision to a circuit court does not deprive the Court of the sort of jurisdiction that can not be waived. Board of Supervisors of Fairfax County v. Board of Zoning Appeals of Fairfax County, 271 Va. 336, 342-48, 626 S.E.2d 374, 383 (2006). The Court has not decided the same issue for an appeal to an appellate court. Rather, it has ruled that the time requirement is mandatory and jurisdictional. Super Fresh Food Mkts. v. Ruffin, 263 Va. 555, 563, 561 S.E.2d 734, 739 (2002); School Bd. of the City of Lynchburg v. Caudill Rowlett Scott, Inc., 237 Va. 550, 556, 379 S.E.2d 319, 323 (1989); Vaughn

v. Vaughn, 215 Va. 328, 329-30, 210 S.E.2d 140, 141-42 (1974). "Super Fresh's notices of appeal were filed well beyond that time frame and, thus, this Court lacks jurisdiction to consider any appeal from the judgment rendered in the August 23, 2000 order." Super Fresh, 263 Va. at 563, 561 S.E.2d at 739. See also Coleman v. Thompson, 501 U.S. 722 (1981) (enforcing procedural default of appeal of the dismissal of a habeas petition where a capital sentence had been imposed because of late filing of notice of appeal to this Court).

For that reason it is not unusual for this Court or the Court of Appeals to dismiss an appeal *sua sponte* based on the appellant's failure to file a timely notice of appeal. Such disposition generally occurs long before the adverse party has taken any action in the case. As this Court has said, "Any court may take notice of the violation of a jurisdictional rule or statute *sua sponte* at any stage of the proceedings." Moore v. Commonwealth, 276 Va. 747, 753, 668 S.E.2d 150, 153 (2008).

Additionally, this case involves not only a late filing as to the city but a complete failure to name the city as a party. Thus, unlike the late filing which may put the appeal of the challenged judgment before the court, a failure to include an indispensable party results in an inability of the court to address the controversy.

> We have also held that a court lacks the power to proceed with a suit unless all necessary parties are properly before the court. [Mendenhall v. Cooper, 239 Va. 71,] at 74, 387 S.E.2d [468,] 470 [(1990)]. We have stated that
>
> > "[a necessary party's] interests in the subject matter of the suit, and in the relief sought, are so bound up with that of the other parties, that their legal presence as parties to the proceeding is an absolute necessity, without which the court cannot proceed. In such cases the court refuses to entertain the suit, when these parties cannot be subjected to its jurisdiction."
>
> Bonsal v. Camp, 111 Va. 595, 597-98, 69 S.E. 978, 979 (1911) (quoting Barney v. Baltimore City, 73 U.S. (6 Wall.) 280, 284 (1867)).
>
> Applying these principles, we hold that this appeal must be dismissed because the Yacht Club is an indispensable party, and the respondents failed to make the Yacht Club a party in this appeal

Asch v. Friends of Mt. Vernon Yacht Club, 251 Va. 89, 91, 465 S.E.2d 817, 818-19 (1996) (other citations omitted).

Here, the appeal of the misdemeanor ordinance violation was never properly before the Court. That appeal was never perfected. Watkins v. Fairfax County Dep't of Family Servs., 42 Va. App. 760, 766, 595 S.E.2d 19, 22 (2004).

The dissent in the Court of Appeals concedes that the failure to file a timely notice of appeal "is of such jurisdictional import as to deprive our courts of jurisdiction and is a failure that cannot be waived." Ghameshlouy,

54 Va. App. at 63 n. 11, 675 S.E.2d at 861 n.11. The dissent continues, however, that a timely notice of appeal as to the misdemeanor charge was filed. Id. But it appears to be uncontested that no notice of appeal naming the indispensable party was timely filed. The Commonwealth argues that without a designation of the City as an appellee, the notice of appeal served only to place before the Court of Appeals the defendant's conviction of the felony.

As the Court of Appeals said in Woody v. Commonwealth, 53 Va. App. 188, 670 S.E.2d 39 (2008), quoting Asch, 251 Va. at 91, 465 S.E.2d at 818, "In such cases the court refuses to entertain the suit, when these parties cannot be subjected to its jurisdiction." 53 Va. App. at 197, 670 S.E.2d at 44. This is because "simply filing a notice of appeal within thirty days without joining all indispensable parties is ***not*** sufficient to transfer jurisdiction over the party from the circuit court to this Court." Id. at 198, 670 S.E.2d at 45 (emphasis in original). The deficiency is "a failure to transfer jurisdiction over the indispensable" so that "even though we have jurisdiction over the appeal itself, we do not have jurisdiction over the County -- an indispensable party." Id. at 200, 670 S.E.2d at 45.

As the United States Supreme Court has said:

> Under Fed. Rule App. Proc. 4 (a) and 28 U.S.C. § 2107, a notice of appeal in a civil case must be filed within 30 days of

> entry of the judgment or order from which the appeal is taken. This 30-day time limit is "mandatory and jurisdictional." United States v. Robinson, 361 U.S. 220, 229 (1960). The purpose of the rule is clear: It is "to set a definite point of time when litigation shall be at an end, unless within that time the prescribed application has been made; and if it has not, to advise prospective appellees that they are freed of the appellant's demands. Any other construction of the statute would defeat its purpose." Matton Steamboat[Co. v. Murphy, 319 U.S. 412,] 415 [(1943)].

Browder v. Director, Ill. Dept. of Corrections, 434 U.S. 257, 264 (1978) (other citations omitted); see also Bowles v. Russell, 551 U.S. 205, 207 (2007)("[T]his Court has consistently held the requirement of filing a timely notice of appeal is 'mandatory and jurisdictional.'"). Because the misdemeanor conviction had not been placed before the appellate court as required by the mandatory and jurisdictional rules, the court had no power to entertain the appeal.

No Waiver

If, in fact, the failure involved only a waivable lack of jurisdiction, the defect could, of course, only be waived by the city. The defendant says the city did so because it filed a brief in opposition to the petition for appeal and then joined the brief filed by the Attorney General.

The Court of Appeals, however, ruled that

> this jurisdictional defect was not waived, as appellant contends, as a result of the Commonwealth moving this Court to amend

> the caption of the case by adding the City of Virginia Beach as an appellee, and the City of Virginia Beach later purportedly joining in the Commonwealth's brief, addressing the merits of the misdemeanor conviction. First, such an amendment "presupposes a valid instrument as its object." Wellmore Coal Corp. v. Harman Mining Corp., 264 Va. 279, 283, 568 S.E.2d 671, 673 (2002). Because appellant did not file a notice of appeal as to the misdemeanor conviction, "there was nothing to amend." Id. Second, it is axiomatic that the Commonwealth could not effect a waiver of the jurisdictional defect as to some other party, i.e., the City of Virginia Beach, by the Commonwealth filing a motion requesting that such party be added as an appellee to the pending appeal. Third, it is also self-evident that the City of Virginia Beach could not "join" in an appeal that did not exist.

Ghameshlouy, 54 Va. App. at 54, 675 S.E.2d at 857 (App. 160).

Since the defendant by his failure to list the city effected only an appeal on the violation of the state statute, it is hard to imagine how anything the city subsequently did could change that proceeding into one involving the city ordinance.

The defendant argues that the filing of a brief in opposition by the Commonwealth's Attorney constituted a "general appearance" in the case and thus a waiver of any objection. The defendant presents no authority applying this principle to an appellate court.

The dissent's reliance on Moore is misplaced since in that case the waiver involved a non-jurisdictional rule. 276 Va. at 756, 668 S.E.2d at 155. Since, as the Moore Court held, the Court can raise a violation of a

jurisdictional rule at any time, Id. at 753, 668 S.E.2d at 153, no action by the adverse party could take that power from the Court.

The Court of Appeals also found the city could not intervene in the appeal without consent of the Court.

> We also find no authority for a third party to unilaterally participate in a pending appeal in this Court or the Virginia Supreme Court, other than the authority of the United States and the Commonwealth to file a brief amicus curiae without the consent of the Court or counsel. See Rules 5:30 and 5A:23. For a third party to be recognized as a party to a pending appeal, such party must obtain the Court's approval upon the party's motion to intervene. See Bagwell v. International Union, 244 Va. 463, 473-74, 423 S.E.2d 349, 355 (1992), rev'd on other grounds, 512 U.S. 821 (1994) (addressing for the first time "whether a party may intervene in the first instance on [an] appeal" to this Court). The City of Virginia Beach filed no such motion in this appeal.

Id. at 55, 675 S.E.2d at 858 (App. 161).

Finally, relying upon Asch, the Court rejected the applicability of estoppel principles, because those principles "are not available to appellant "to create appellate jurisdiction over an indispensable party which is not properly before the Court." Id. at 56, 675 S.E.2d at 858 (quoting Asch, 251 Va. at 93, 465 S.E.2d at 819) (App. 162). As argued above, the appellate court's power to enforce its own jurisdictional rules cannot be limited by the actions of a party.

II. THE TRIAL COURT PROPERLY FOUND THE DEFENDANT GUILTY OF A VIOLATION OF THE CODE SECTION REQUIRING HIM TO IDENTIFY HIMSELF TO A LAW ENFORCEMENT OFFICER.

The defendant argues that, although he did fail to identify himself properly, he could not be required to do so because he was not in a public place or a place open to the public as required by the ordinance. The trial court, however, properly found that location satisfied the ordinance.

Standard Of Review

When considering the sufficiency of the evidence, an appellate court views the evidence in the light most favorable to the Commonwealth, the prevailing party at trial. Commonwealth v. Hudson, 265 Va. 505, 514, 578 S.E.2d 781, 786 (2003) (citation omitted). On review, an appellate court should not substitute its judgment for that of the trier of fact. Cable v. Commonwealth, 243 Va. 236, 239, 415 S.E.2d 218, 220 (1992). This standard "gives full play to the responsibility of the trier of fact fairly to resolve conflicts in the testimony, to weigh the evidence, and to draw reasonable inferences from basic facts to ultimate facts." Jackson v. Virginia, 443 U.S. 307, 319 (1979).

Any evidence of the accused in conflict with the Commonwealth's will be discarded, and all of the Commonwealth's credible evidence will be

regarded as true. Boblett v. Commonwealth, 10 Va. App. 640, 641, 396 S.E.2d 131, 137 (1990). The credibility of the witnesses and the weight accorded their testimony are matters solely for the fact finder who saw and heard them. Schneider v. Commonwealth, 230 Va. 379, 382, 337 S.E.2d 735, 736-37 (1985).

To the extent this Court's review requires interpretation of the ordinance, interpretation of an ordinance, like "[i]nterpretation of a statute . . . is a pure question of law subject to de novo review by this Court." Renkey v. County Bd. of Arlington County, 272 Va. 369, 373, 634 S.E.2d 352, 355 (2006)(quoting Virginia Polytechnic Inst. v. Interactive Return Serv., 271 Va. 304, 309, 626 S.E.2d 436, 438 (2006)).

The Defendant Was in a Place Open to the Public

The ordinance under which the defendant was convicted reads as follows:

> It shall be unlawful and a Class 1 misdemeanor for any person at a public place or place open to the public to refuse to identify himself by name and address at the request of a uniformed police officer…or to provide false information in response to such a request, if the surrounding circumstances are such as to indicate to a reasonable man that the public safety requires such identification.

Virginia Beach Municipal Code §23-7.1. At trial the Commonwealth's Attorney conceded that the Econo Lodge was not a public place but argued, and the judge found, that it was a place open to the public.

In interpreting the statute, attention must be given to every word. And each word much be given a reasonable interpretation.

> [I]t is well established that every act of the legislature should be read so as to give reasonable effect to every word . . . ." Jones v. Conwell, 227 Va. 176, 181, 314 S.E.2d 61, 64 (1984). "[E]very part of a statute is presumed to have some effect and no part will be considered meaningless unless absolutely necessary." Hubbard v. Henrico Ltd. P'ship, 255 Va. 335, 340, 497 S.E.2d 335, 338 (1998).

Porter v. Commonwealth, 276 Va. 203, 230, 661 S.E.2d 415, 427 (2008).

Hotel or Motel Open to the Public

Because the ordinance refers to all public places in the first category, the second category must apply to private places which are also "open to the public." Hotels and motels are clearly such. They are, of course, public accommodations which not only are, but must be, open to the public. "Ordinarily a hotel, inn or restaurant is a place of public resort affected with a public interest in the sense that it is a public place or place open to the public." City of St. Joseph, Missouri v. Christgen, 513 S.W.2d 458, 459 (Mo. 1974).

A hotel is defined to be "any place offering to the public for compensation transitory lodging or sleeping accommodations, overnight or otherwise, including but not limited to facilities known by varying nomenclatures or designations as hotels, motels, travel lodges, tourist homes or hostels." Virginia Code § 35.1-1(7). Federal statutes precluding discrimination in places of public accommodation apply to hotels and motels. 42 USC § 2000A(b)(1) and 42 USC § 12182.

Furthermore, with regard to enacting local anti-smoking ordinances, the legislature has exempted as the "[l]obby areas of hotels, motels, and other establishments ***open to the public*** for overnight accommodation." Code § 15.2-2806 (emphasis added). Clearly by using the phrase "hotels, motels, and other establishments open to the public," the legislature expressed its view that such places in fact were open to the public. "County and municipal ordinances must be consistent with the laws of the Commonwealth. " West Lewinsville Hgts. Ass'n. v. Bd. of Sup., 270 Va. 259, 265, 618 S.E.2d 311, 314 (2005). The ordinance should be read in light of the above authorities as rendering a hotel or motel a place open to the public.

Room Open to the Public

Apparently recognizing the above principles, the defendant argues only that room in which he was located was not open to the public. Of course, only if the defendant had rented the room and had not rendered himself liable to eviction because of his actions would that particular hotel room not have been open to the public. Stoner v. California, 376 US 483, 490 (1964). "While the hotel may indeed be "open to the public," a guest's hotel room, once rented, is not." Columbia Pictures Industries, Inc. v. Professional Real Estate Investors, Inc., 866 F.2d 278, 281 (9th Cir. 1989).

However, as the trial judge pointed out, the room was not one the defendant had rented and he was about to be evicted from it for his actions. As a non-tenant about to be evicted, the defendant lost any claim of an expectation of privacy he may previously have possessed. United States v. Rahme, 813 F.2d 31, 34 (2nd Cir. 1987); United States v. Ramirez, 810 F.2d 1338, 1341 (5th Cir. 1987). A hotel guest's action in hosting loud, disruptive parties "destroyed any reasonable expectation of privacy he would otherwise have had in the hotel room." State v. Perkins, 588 N.W.2d 491, 493 (Minn. 1999); see also United States v. Allen, 106 F.3d 695, 699 (6th Cir. 1997) (no expectation of privacy for guest locked out of his room for misconduct).

The defendant never had any right of his own to exclude the hotel management from the room. Whatever derivative right he may have been granted by the actual renter was clearly lost through his actions. The management regained the right to exclude him and the other occupants so that the room reverted to the status of a place open to the public to which the hotel could send potential renters. The defendant clearly had no right at that point to keep hotel personnel, or anyone they had authorized to do so from entering the room.[1]

CONCLUSION

For the foregoing reasons, the judgment of the Court of Appeals dismissing the defendant's appeal of his ordinance violation conviction in the Circuit Court of the City of Virginia Beach should be affirmed. In the alternative, the judgment of the Circuit Court of the City of Virginia Beach convicting the defendant of violating the city ordinance by his failure to provide identification to a police officer should be affirmed

[1] The defendant argues in passing that his arrest was illegal and that, therefore, the cocaine found in the room should be suppressed. (Def. Br. 13). That issue is not before the Court, as the suppression issue was not granted by this Court. (Order 9/11/2009).

Respectfully submitted,

COMMONWEALTH OF VIRGINIA

Appellee herein.

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CERTIFICATE OF TRANSMISSION AND SERVICE

On November 13, 2009, the required number of copies of this brief were hand-delivered to the Clerk of this Court and three copies were mailed to Justin W. Esworthy, Esquire, Office of the Public Defender, 2425 George Mason Drive, Post Office Box 6161, Virginia Beach, Virginia 23456, counsel for the defendant and to Natalie P. Mann, Assistant City Attorney, Office of the City Attorney, Municipal Center, Building One, 2401 Courthouse Drive, Virginia Beach, Virginia 23456, counsel for the City of Virginia Beach.

_____
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