on the scene when the cab driver was shot but claimed he had unsuccessfully tried to fire a gun. At this interview the defendant admitted the shooting was gang related and that he was a member of the Garfield Bloods; that he was the only person in the area from which the shot was fired that hit the victim; that he ran from the scene after the cab hit a tree; that he had used the gun seized by Investigator Riley on October 3, 2007 in an altercation on Campbell Avenue on September 21, 2007; and that he had obtained that gun the day after the cab driver was shot. (App. pp. 288-291)

ASSIGNMENT OF ERROR

THE TRIAL COURT ERRED IN ALLOWING THE JURY TO SENTENCE THE JUVENILE DEFENDANT. (Preserved at pp. 44-45 of the Appendix)

ARGUMENT

THE TRIAL COURT ERRED IN ALLOWING THE JURY TO SENTENCE THE DEFENDENT.

STANDARD OF REVIEW – The assignment of error involves statutory construction and is reviewed de novo.

The defendant submits that the trial court erred in overruling his motion objecting to his being sentenced by the jury. At issue is the proper interpretation and reconciliation of the Sections 16.1-271 and 16.1-272 of the Code of Virginia. Under Section 16.1-271 the