In The

Supreme Court of Virginia

RECORD NO. 131780

JEFFREY STEPHENS,

Appellant,

v.

SHELLIE RAE ROSE,

Appellee.

REPLY BRIEF OF APPELLANT

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Appellee.

REPLY BRIEF

JEFFREY STEPHENS (Jeffrey), Appellant herein, replies to the Brief of Appellee, as follows:

ARGUMENT

Appellee contends that Jeffrey failed to comply with Rule 5A:18, and did not properly preserve the question raised on appeal. (Brief of Appellee at pp. 12-13).

The purpose of Rule 5A:18 is to allow the trial court to correct in the trial court any error that is called to its attention. Counsel may meet the mandates of Rule 5A:18 in many ways. For instance, counsel may make

clear the ground for his objection in a motion to strike the evidence or in closing argument. *Lee v. Lee*, 12 Va. App. 512, 514, 404 S.E.2d 736, 738 (1991). The arguments made by Jeffrey's counsel in the motion to strike and in closing argument made known to the trial court the actions he desired the trial court to take, and properly preserved the issue for appeal. Va. Code § 8.01-384(A).

Additionally, within 21 days following the entry of the April 10, 2013, the trial court entered an order permitting Jeffrey to file his objections to the protective order. Those objections (App. at p. 210) incorporate by reference the arguments of counsel set forth in the motion to strike (App. at pp. 116-118), and in closing argument (App. at pp. 169-78; 182-85).

CONCLUSION AND RELIEF SOUGHT

Jeffrey's assignment of error has been properly preserved for appeal as required by Rule 5A:18. For the reasons stated in Appellant' Opening Brief, the April 10, 2013 protective order should be vacated, and the protective order petition filed on January 9, 2013 should be dismissed.

Respectfully Submitted,

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CERTIFICATE

Pursuant to Rule 5:26(h) of the Rules of the Supreme Court of Virginia, counsel for Appellant certifies that fifteen (15) copies of this Reply Brief of Appellant, with one (1) electronic copy on CD, were hand-filed with the Clerk of the Supreme Court of Virginia, on this 6th day of May, 2014. On this same day, three (3) bound copies of the Reply Brief of Appellant, with one (1) electronic copy on CD, were served, via UPS Ground Transportation, to Mehagan D. McRae, ROEDER, COCHRAN & HAIGHT, PLLC, 8280 Greensboro Drive, Suite 601, McLean, Virginia 22102.

This brief contains 316 words.

Peter M. Fitzner