In The

Supreme Court of Virginia

RECORD NO. 170747

ROBERT LEE CANODY, II,

Appellant,

v.

CHERYL A. HAMBLIN and DEBRA CANODY,

Appellees.

BRIEF OF APPELLANT

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Record No. 170747

Circuit Court File Nos: CWF150000135-00
CL15000556-01

OPENING BRIEF OF APPELLANT

To The Honorable Chief Justice and Justices of the Supreme Court of Virginia:

Appellant, Robert Lee Canody, II, submits this Opening Brief of Appellant pursuant to Rule 5:27 of the Rules of the Supreme Court of Virginia.

Appellant will be referred to as Robert Canody, II, or as Appellant.

The record of this case consists of Volume I of II and Volume II of II – Sealed, of the Appendix. References to the Appendix will appear as (App. _____ page _____).

STATEMENT OF THE CASE AND PROCEEDINGS IN TRIAL COURT

Robert Lee Canody died November 7, 2015. (App. I, page 74). At the time of his death, Robert Lee Canody was 79 years old and a resident and domiciliary of Nelson County, Virginia.

His daughter, Cheryl A. Hamblin, presented three (3) computer generated pages to the Nelson County Circuit Court Clerk for probate on November 9, 2015. (App. I, pages 1, 3, 6-7; App. II, pages 131-133).

The Clerk found a variance in the date on the signature page and the date of notarial acknowledgment. (App. I, page 1). The Clerk further found the notarial acknowledgment "addressed only the signature of the [purported] Testator." (App. 1, page 1). She rejected the three (3) pages for these reasons. (App. 1, page 1). Cheryl A. Hamblin noted her appeal of the Clerk's decision on November 17, 2015. (App. I, page 105).

A hearing was conducted on December 7, 2015, before The Honorable Michael T. Garrett, Judge. (App. I, page 2). Present at the hearing were Cheryl A. Hamblin, Robert Lee Canody, II, and Debra Canody. (App. I, page

3). The hearing established Robert Lee Canody, deceased, had only three children, all present on December 7, 2015, and no surviving wife. (App. I, pages 8-9). At the close of the hearing, the trial court directed the Clerk to admit the three (3) pages to probate. (App. I, page 16).

On December 14, 2015, Judge Garrett advised the parties he had reconsidered his earlier pronouncement and a hearing was necessary. He rescinded his December 7, 2015, directive to admit the three pages to probate. (App. I, page 21).

Robert Lee Canody, II, voiced his opposition to admitting the three (3) computer generated pages to probate in a letter dated December 21, 2015. (App. I, page 23).

Robert Canody, II, filed a motion to probate the "Last Will and Testament of Robert L. Canody" dated June 23, 1967, on or about April 12, 2016. No action was taken on this pleading. (App. I, page 36).

The parties reassembled for a hearing on Cheryl A. Hamblin's appeal on July 15, 2016. (App. I, page 27). Evidence was presented and oral arguments submitted. (App. I, page 27). Additional written arguments by counsel were submitted in letters dated July 18, 2016, and July 21, 2016. (App. I, pages 98, 101). The court rendered an opinion dated January 25, 2017. (App. I, page 105).

Robert Lee Canody, II, requested the Nelson County Circuit Court reconsider its decision in a letter dated January 27, 2017. (App. I, page 117). Cheryl Hamblin opposed this request in a letter dated February 2, 2017. (App. I, page 119). The court denied reconsideration and explained its reasoning in a letter dated February 22, 2017. (App. I, page 121).

A final order directing the three (3) pages be admitted to probate as the last will and testament of Robert Lee Canody was entered on March 2, 2017. (App. I, page 123).

Robert Lee Canody, II, filed his notice of appeal on or about March 13, 2017. The July 15, 2016, transcript and notice of filing were filed on or about April 21, 2017.

Cheryl Hamblin filed her objection to the transcript on or about May 5, 2017. The trial court sustained the objection and directed Appellant file the transcript of the December 7, 2015, hearing within sixty (60) days of May 10, 2017, i.e., on or before Monday, July 10, 2017. The order further directed the Clerk to refrain from forwarding the record until the December 7, 2015, transcript was filed.

The December 7, 2015, transcript and accompanying notice of filing were filed on May 18, 2017. Appellant's Petition for Appeal was granted by this Court. Counsel for Robert Canody, II, B. Leigh Drewry, Jr., Esquire, died

unexpectedly on December 1, 2018. Present counsel filed a Notice of Appearance with this Court on or about February 19, 2018, and this Opening Brief of Appellant follows.

STATEMENT OF FACTS

On November 9, 2015, three computer generated pages were presented to the Clerk of the Nelson County Circuit Court as the last will and testament of Robert Lee Canody by Cheryl Hamblin. (App. I, pages 1, 6)

Each page is single spaced with double spacing between paragraphs in block format. (App. II, pages 131-133). Each page ends with a complete paragraph. In other words, each page begins with a new paragraph without a break between pages. (App. II, pages 131-133). There is no metadata present on any of the three pages. (App. II, pages 131-133). Nor was any evidence presented by the proponent regarding the creation of the pages nor the date and time of creation. (App. I, pages 3-18, 37-81).

There are no initials or page numbers on any of the three pages. (App. II, pages 131-133). A third page bears two dates, March 30, 2014, and April 1, 2014, and the signatures of four individuals. (Vol. II, pages 131-133).

The Clerk refused to admit the pages to probate and memorialized her action in an order dated November 9, 2015. (App. I, page 1). Pursuant to

Virginia Code Section 64.2-445 (2017 Repl. Vol.), Cheryl Hamblin appealed the Clerk's decision on November 17, 2015.

A hearing was conducted on December 7, 2015, before The Honorable Michael T. Garrett, Judge. (App. I, page 2). Present at the hearing were Cheryl A. Hamblin, Robert Lee Canody, II, and Debra Canody. (App. 1, page 3). The hearing established Robert Lee Canody, deceased, had only three children, and no surviving wife. (App. I, pages 8-9).

No evidence concerning the requirements for a valid will under Virginia Code Section 64.2-403 (2017 Repl. Vol.) was presented at the December 7, 2015, hearing. (App. I, pages 2-18). The court determined it would direct the Clerk to admit the three (3) pages to probate. (App. I, page 16).

The Court rescinded this action in a letter dated December 14, 2015, and directed a hearing be scheduled. (App. I, page 21). Subsequently, Robert Canody, II, wrote a letter advising the trial court he wished to challenge the validity of the three pages. (App. I, page 23).

At a hearing on July 15, 2016, April Keziah testified she worked at the DuPont Credit Union frequented by the deceased. (App. I, page 37). Over the course of his patronage at the credit union, Ms. Keziah became a friend of Mr. Canody. (App. I, pages 37-38). She went on to testify Mr. Canody entered the credit union on April 1, 2014, with his daughter, Cheryl Hamblin,

and requested Ms. Keziah's assistance in the execution of a document. (App. I, page 39). Ms. Hamblin remained apart from her father during the balance of his time in the branch. (App. I, pages 39-40). Ms. Keziah arranged for two other employees of the branch, Hunter Robertson and Andrew Moomaw, to serve as witnesses. (App. I, page 42).

Ms. Keziah testified she advised Mr. Robertson and Mr. Moomaw they would be witnesses to a will. (App. I, pages 42-43). There was no evidence from Ms. Keziah that Mr. Canody specifically requested Mr. Robertson and Mr. Moomaw to witness his will. (App. I, pages 37-50).

At trial, when shown the three sheets proffered as the last will and testament of Mr. Canody, Ms. Keziah looked at each sheet individually turning over the first two as she went. (App. I, page 41). At the third sheet, she stopped and identified it as a document she had previously notarized. (App. I, page 41). Ms. Keziah said she could identify only one sheet, the sheet of paper bearing her signature and notary stamp. (App. I, pages 41, 46). She could not identify the other two sheets of paper. (App. I, pages 41, 46). She went on to acknowledge she did not read the first two sheets. (App. I, page 46). There is no evidence from Ms. Keziah as to whether the sheets were attached to one another. (App. I, page 48).

Andrew Moomaw (transcript spells Moomaw as “Mumall”) testified he was requested by Ms. Keziah to witness a will. (App. I, page 55). Mr. Moomaw explained he was accompanied by Hunter Robertson to Ms. Keziah’s desk where all four individuals were present at the time Mr. Canody signed the third sheet and when everyone else signed the third sheet in each other’s presence and in the presence of Mr. Canody. (App. I, pages 55-59, 63). Mr. Moomaw did not remember if the three sheets were attached to one another. (App. I, page 61). He could only identify the single sheet bearing his signature. (App. I, pages 58-59, 65). He did not recall whether Mr. Canody advised him this was his will. (App. I, page 59).

The third and final witness was Gene Hayden. (App. I, pages 67-68). Mr. Hayden identified himself as a close friend of the deceased and related a conversation he had with Mr. Canody two to four weeks prior to his death in November 2015. (App. I, pages 68, 70-71). Apparently, Mr. Hayden’s testimony was presented to establish the testamentary intent of the decedent. (App. I, page 86).

ASSIGNMENTS OF ERROR

I. **THE TRIAL COURT ERRED IN ITS CONSIDERATION OF PAROLE EVIDENCE TO ESTABLISH THE TESTAMENTARY NATURE OF THE PAGES PROFFERED FOR PROBATE.** (App. I, pages 51, 80, 99, 117).

II. **THE TRIAL COURT ERRED WHEN IT FAILED TO REQUIRE CHERYL HAMBLIN TO AUTHENTICATE ALL THREE (3) PAGES PROFFERED FOR PROBATE.** (App. I, pages 50-52, 87-89, 98-100, 117).

STANDARD OF REVIEW

On appeal, this Court "review[s] *de novo* the circuit court's determination of 'the legal effect of [the] written document[s]' pertinent to this appeal." Jimenez v. Corr, *288 Va. 395, 404, 764 S.E.2d 115, 118 (2014)*, quoting Jones v. Brandt, *274 Va. 131, 135, 645 S.E.2d 312, 314 (2007).*

"[I]n a probate proceeding, the burden is on the proponents to show by a preponderance of the evidence that the purported will is written and executed in the manner prescribed by the statute." Grady v. Fauls, *189 Va. 565, 569, 53 S.E.2d 830, 832 (1949).*

ARGUMENT AND AUTHORITIES

I. The trial court erred in its consideration of parole evidence to establish the testamentary nature of the pages proffered for probate. (App. I, pages 51, 80, 99, 117).

> One man should not dictate, change or annul another's will either in court or out. The preservation of the privilege of making one's own will brings to the old and helpless a consideration which might not otherwise always be extended to them, and should not be whittled away.

Eason v. Eason, *203 Va. 246, 256, 123 S.E.2d 361, 368 (1962)*, quoting Justice Holt in *Tabb v. Willis*, *155 Va. 836, 862, 156 S.E. 556, 565 (1931).*

To that end, the General Assembly has long recognized certain safeguards are required to protect the integrity of these writings that represent the final expressions of the intent of the testators. Virginia Code Section 64.2-403 (2017 Repl. Vol.) requires that a will be in writing, that it be signed by the testator, that if not wholly in the testator's handwriting, that the signature of the testator is made, or the will is acknowledged by the testator, in the presence of at least two competent witnesses who are present at the same time and who subscribed the will in the presence of the testator.

Virginia Code Section 64.2-443 (2017 Repl. Vol.) grants jurisdiction of the probate of wills to the Circuit Court wherein the decedent resides or owns real estate. Virginia Code Section 64.2-444 (2017 Repl. Vol.) allows the Clerk to admit wills to probate subject to an appeal of that decision to the Circuit Court. (See Virginia Code Section 64.2-445 (2017 Repl. Vol.).

In Cheryl Hamblin's appeal of the Clerk's decision to deny the purported will of her father to probate to the Circuit Court, Cheryl Hamblin

propounded testimony of Gene Hayden to support her argument that the will, of which she is the proponent, be admitted to probate.

Mr. Hayden testified as to what he perceived was Mr. Canody's testamentary intent in a discussion with him eighteen months after the purported will was signed. (App. I, page 71). Such testimony was irrelevant to whether the will should be probated, was extrinsic to the four corners of the document, and was prejudicial to Robert Canody, II's position herein.

"In a probate proceeding the sole issue is whether the paper offered for probate is or is not the will of the decedent. When this question is decided the function of the proceeding is exhausted, and the court should not decide other questions not connected with that issue." (Citations Omitted) *Horn v. Horn*, *195 Va. 912, 918, 81 S.E.2d 593, 596 (1954).*

Thus, "the indicia of testamentary intent must be found in the paper itself, and evidence *aliunde* to supply this vital and necessary characteristic is not permitted." *Poindexter v. Jones*, *200 Va. 372, 379, 106 S.E.2d 144, 148 (1958).* Extrinsic evidence is not admissible to prove or disprove that the writing is a will. *Payne v. Rice*, *210 Va. 514, 171 S.E.2d 826 (1970).*

Robert Canody, II, is prejudiced by Mr. Hayden's testimony because the trial court, in its written decision, cited his testimony as corroboration of the testamentary nature of the three pages. (App. I, page 114). The court's

ruling demonstrates its dependence on the testator's intention regarding the disposition of his estate, rather than evaluating whether the document constitutes a will subject to probate. "Testamentary intent . . . means that the writing offered for probate must have been executed by the testator with the intent that such writing take effect as his last will." *Thompkins v. Randall*, *153 Va. 530, 538, 150 S.E. 249, 251 (1929).* Testamentary intent must be ascertained from the face of the document, not from extrinsic evidence. *Mumaw v. Mumaw*, *214 Va. 573, 203 S.E.2d 136 (1974).*

The trial court itself elicited specific information from Mr. Hayden regarding the decedent's estate plan. (App. I, page 77-79). The court cited that testimony when it concluded, "The lack of a staple, where it is obvious one had previously been, cannot alone defeat the clear testamentary plan of the testator." (App. I, page 114). The court further cites Mr. Hayden's testimony and states it, "corroborates fully that the three page 2014 Will set forth the wishes as expressed by the testator shortly before his death." (App. I, page 116).

"Extrinsic evidence of declarations of intention may not be invoked to aid the construction of a will where no question of equivocation is presented." *Rule v. First National Bank*, *182 Va. 227, 236, 28 S.E.2d 709, 712 (1944).* See, discussion within of paper of Professor Charles A. Graves and

published in the Virginia Law Register, 14 Va. Law Reg. 929 . . . "the law will not permit verbal declarations to influence the construction of the will, much less to compete with the written declarations contained therein." (*Rule v. First National Bank*, *id.* *at 235, S.E.2d at 712.)*

II. The trial court erred when it failed to require Cheryl Hamblin to authenticate all three (3) pages proffered for probate. (App. I, pages 50-52, 87-89, 98-100, 117). Two witnesses testified at the July 15, 2016, trial regarding the execution and authentication of the will.

Ms. Keziah testified that she had known Mr. Canody for some years through her work at the credit union. (App. 1, page 38). On April 1, 2014, he entered the credit union with his daughter, Cheryl Hamblin, and requested Ms. Keziah's assistance in the execution of a document. Ms. Hamblin remained apart from her father during the balance of his time in the branch. (App. 1, pages 39, 43). Ms. Keziah then arranged for two other employees of the branch, Hunter Robertson and Andrew Moomaw (transcript spells Moomaw as Mumall), to serve as witnesses.

Ms. Keziah further testified that she advised Mr. Robertson and Mr. Moomaw they would be witnesses to a will. (App. I, page 43). No evidence was produced that Mr. Canody specifically requested either individual to witness his will. (App. I, pages 37-50).

At trial, when shown the three sheets proffered as the last will and testament of Mr. Canody, Ms. Keziah looked at each sheet individually, turning over the first two as she went. (App. 1, pages 41, 107). At the third sheet, she stopped and identified it as a document she had previously notarized. Ms. Keziah said she could only identify the one sheet of paper bearing her name and notary stamp. She testified she could not identify the other two sheets of paper. (App. I, page 41). She admitted she did not read the first two sheets. (App. I, page 46). There is no evidence from Ms. Keziah as to whether the sheets were attached to one another. (App. I, page 48).

Mr. Moomaw corroborated that Ms. Keziah, and not Mr. Canody, asked him to witness the will and that he and Hunter Robertson, the other witness, were all present at the time Mr. Canody signed the third sheet of paper and everyone else signed the third sheet in each other's presence and in the presence of Mr. Canody. (App. I, pages 55-56). Mr. Moomaw did not remember if the three sheets were attached to one another. He could only identify the single sheet bearing his signature. He could not recall whether Mr. Canody advised him whether this was his will. (App. I, page 59).

The proponent of the will alone bears the burden of authenticating the proffered pages of the document. *Grady v. Fauls*, *189 Va. 565, 53 S.E.2d 830 (1949)*, *Dickens v. Bonnewell*, *160 Va. 194, 168 S.E. 610 (1933).*

The will completely eliminates the son, Robert L. Canody, II, as a beneficiary. The testator purports to give everything to Cheryl Hamblin, and then curiously gives her the discretion to give "such things a[s] she may wish upon his paying off the debt owed to me and now my estate". (App. II, pages 131-133). Accordingly, under the terms of the purported will, even if Canody, II, pays off all of the debts referenced, he may get nothing, because all discretion is vested in Cheryl Hamblin. The document reads more like a list of his son's debts than as a unified document that relates his intent towards his children. The will lacks a residuary clause and makes a bizarre bequest to Jhene "since her mother spent her inheritance on defending the murderer of her father". The will ends there with a signature line directly underneath signed by Robert Lee Canody.

None of the unnumbered pages of the will are initialed or signed by the testator, although this Court has suggested for years that it is good practice to have the testator identify each sheet of paper that comprises the will. *Presbyterian Orphans' Home v. Bowman*, *165 Va. 484, 182 S.E. 551 (1935).*

The will lacks finality because of the lack of a reference to a residuary estate. See, *Payne v. Rice*, *210 Va. 514, 171 S.E.2d 826 (1970).* *Payne* asserts that:

(1) There be a finality of testamentary intent and that the testamentary paper be executed in accordance with the statute.

(2) There be a concurrence of the testamentary intent to make a will (*animus testandi)* and the intention to sign the instrument as and for a will *(animus signandi)*.

Id. at 516-517, 171 S.E.2d at 828. Thus, the will lacks finality because of the unfettered discretion given Cheryl Hamblin, contrary to the intent of the testator that Robert Canody, II, receive certain devises and bequests upon his payment to the estate of what the testator believes he owes.

Ms. Hamblin, under the terms of the will, is not required to honor any of her father's requests regarding dispositions to her brother. The document is internally inconsistent and can lead to an uncertain result. *Rule v. First National Bank*, *182 Va. 227, 231-232, 28 S.E.2d 709, 710 (1944).* The will even references a summary of monies owed on an Excel file on testator's computer, which is certainly not a part of the will. Therefore, the will itself does not present as a unified document on its face. *Presbyterian Orphans' Home v. Bowman*, *165 Va. 484, 182 S.E. 551 (1935).*

The internal inconsistencies as set forth in the purported will heightens the need for "the protective requirements of the statute, designed to insure testamentary disposition of property against fraud and imposition, [which] must be of general application, and [which] must be proven to have been

complied with." *Triplett's Ex'or v. Triplett*, *161 Va. 906, 920, 172 S.E. 162, 167 (1934)*.

Each sheet of paper of the purported will contains paragraphs formatted in what is commonly referred to as the block style. There are no numbers on the sheets of paper and there are no paragraphs which are split and continued to the next page. The last paragraph of one of the pages ends well before the paragraph would naturally end according to the margins. The same is true of the other two pages. (App. II, pages 131-133). Such formatting makes it easy for someone using the same computer on a separate day to alter what may have been on the other two sheets of paper when the third page was executed. (See unsigned draft dated October 30, 2012 – App. II, page 134).

None of the witnesses affirmatively testified that the three sheets of paper were attached to one another at the time of the execution. (App. I, pages 48, 61). Thus, the proponent fails to establish the three sheets comprise a single document.

Additionally, the lack of evidence showing the three sheets of paper were united is evidence they were not. Cheryl Hamblin, as the proponent of the three pages, failed to authenticate each page and failed to satisfy her burden of proof.

The Court should insure that the *animus testandi* coincide with the *animus signandi*; the intention of the testator to make the will must coincide with his intent to sign the document. To that end, *Triplett's Ex'or v. Triplett*, *161 Va. 906, 172 S.E. 162 (1934)* stands for the proposition that the proponent of the will needs to prove that alterations to the document, made in blue rather than black ink, were made before its execution. By extension, Robert Canody, II, urges the Court adopt a rule that the proponent of the will must show no alterations or changes either before or after execution.

Until recently, wills have been created by hand or mechanical typewriters, either method making it easier for the court or parties to detect changes in the documents.

Today, those with a fraudulent intent easily can perpetrate a fraud because of the ability of computers to duplicate pages with changes from an original will with no detection – often at the stroke of a key. Therefore, additional safeguards, such as page numbers, initials, and dates of each page, or metadata on the final document, should be considered to preserve the concurrence of *animus testandi* and the *animus signandi*.

Knowles v. Commonwealth, *1998 Va. App. LEXIS 552 (1998)* (cited for persuasive authority only) highlights the importance of such safeguards. In *Knowles*, the Virginia Court of Appeals affirmed the trial court's refusal to

admit computer generated documents for a lack of authentication. The same situation is presented to this Court when a computer generated will is presented without robust authentication: "A computer record is peculiarly susceptible to tampering and to unidentifiable alterations by any person who has access to the computer." *Knowles v. Commonwealth*, *1998 Va. App. LEXIS at 11.*

Thus, to insure the indicia of authenticity, the Court should consider metadata as an additional safeguard to insure the integrity of a will. Metadata has been defined as "data about data, but to put it in lay terms, it's basically information contained, . . . [in] a document such as the created date of the document, the last author, the last person who saved it, the last time it was printed, total editing time, word count, line count. That's all in the document itself, but it's not on the printed screen [or document]." *Paylan v. St. Mary's Hospital Corp.*, *118 Conn. App. 258, 262, 983 A.2d 56, 59 fn 5 (2009).* See also, *Metadata, Wikipedia, May 27, 2017*.

Thus, just as the proponent must show alterations to a will were made prior to execution, *Triplett's Ex'or v. Triplett*, *supra, and Kidd v. Gunter*, *262 Va. 442, 551 S.E.2d 646 (2001),* the proponent must exclude the existence of alterations or changes after execution of a computer generated document to preserve the integrity of the probate process. The burden should be on

the proponent to prove that the unity of *animus testandi* and *animus signandi* existed at the time of the execution of the document. Here, because the proponent fails to identify two of the three pages of an unpaginated will, and because the internal inconsistencies lead to a lack of finality in the will, modern safeguards are lacking to exclude the possibility of tampering with Mr. Canody's purported will.

CONCLUSION

Robert Lee Canody, II, prays this Honorable Court reverse the judgment of the Nelson County Circuit Court and remand this matter to the Circuit Court with directions to deny probate for the two unauthenticated pages proffered, and for such other and further relief as the Court deems appropriate.

Respectfully submitted,

ROBERT LEE CANODY, II

By: _____
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CERTIFICATE

I hereby certify pursuant to Rule 5:26 of the Rules of the Virginia Supreme Court as follows:

1. Counsel for appellant is Thomas S. Leebrick, THOMAS S. LEEBRICK, P.C., 1011 Court Street, P. O. Box 584, Lynchburg, VA 24505; Virginia State Bar No. 24868, Telephone No. 434-847-4546, Facsimile No. 434-847-1027, e-mail address tsleebrick@verizon.net.

2. Counsel for appellee Cheryl A. Hamblin is B. E. Brannock, TIMBERLAKE, SMITH, THOMAS & MOSES, P.C., 25 North Central Avenue, P. O. Box 108, Staunton, VA 24402-0108; Virginia State Bar No. 25090, Telephone No. 540-885-1517, Facsimile No. 540-885-4537, e-mail address bbrannock@timberlakesmith.com.

3. Appellee Debra Canody's mailing address is P. O. Box 533, Piqua, Ohio 45356.

4. That on this 23rd day of March, 2018, the foregoing Opening Brief of Appellant and Appendix were filed electronically with the Supreme Court of Virginia, via VACES, and three printed copies filed; that an electronic version of said Opening Brief of Appellant was emailed to B. E. Brannock, Esquire, counsel for appellee Cheryl A. Hamblin, at bbrannock@timberlakesmith.com; that a CD-Rom containing electronic

versions of the Opening Brief and Appendix was shipped to B.E. Brannock, Equire, via UPS Ground; and that printed copies of said Opening Brief of Appellant and Appendix were mailed to appellee Debra Canody at Post Office Box 533, Piqua, Ohio 45356.

5. That pursuant to Rule 5:26(b), this Opening Brief of Appellant does not contain more than 8,750 words, but contains 4,323 words.

6. Counsel for appellant certifies compliance with Rule 5:26 of the Rules of the Virginia Supreme Court.

Thomas S. Leebrick