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SUPREME COURT OF VIRGINIA
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RICHMOND, VIRGINIA

SUPREME COURT OF VIRGINIA

RECORD NO. 740853

WILLIAM STEPHENSON BOYD,

Appellant

v.

COMMONWEALTH OF VIRGINIA,

Appellee

APPENDIX

Kenneth E. Trabue
C. Thomas Burton, Jr.
Hunter, Fox & Trabue
P. O. Box 12247
Roanoke, Virginia 24024

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SUPREME COURT OF VIRGINIA

WILLIAM STEPHENSON BOYD, Appellant	)	
v.	)	APPENDIX
COMMONWEALTH OF VIRGINIA, Appellee	)	

JUDGMENT APPEALED FROM

The Court doth find the Defendant guilty as charged in the warrant of speeding and imposes a fine of $15.00.

Dated: May 1, 1974

ASSIGNMENTS OF ERROR

1. That the court erred in refusing to grant the Defendant's motion to dismiss the charge in the warrant of speeding in violation of Va. Code, § 46.1-193, as amended.

2. That the court erred in finding the Defendant guilty as charged in the warrant of speeding in violation of Va. Code, § 46.1-193, as amended.

STATEMENT OF FACTS AND OTHER INCIDENTS OF THE CASE

1. On January 30, 1974, at approximately 9 a.m., the Defendant was traveling on Interstate Highway Route 81 in Smyth County, Virginia, at a speed of approximately 70 miles per hour.

2. At the aforesaid time and place, the Defendant was charged by Officer J. H. Grubb of the Department of State

Police of a violation of the law, to wit: "Speeding 70-55 zone (radar) 46.1-193."

3. At the aforesaid date and time, the maximum speed limit on the interestate system of highways as set forth in Va. Code, § 46.1-193, was 70 miles per hour.

4. By virtue of Executive Order No. 36, which was declared on November 26, 1973, the maximum speed limit on any highway in the State of Virginia was set at 55 miles per hour.

5. The Defendant made a motion at the trial of the case that the charge in the summons of speeding in violation of Va. Code, § 46.1-193, be dismissed on the following grounds:

A. Traveling at a speed of 70 miles per hour on January 30, 1974, on an interstate highway in the State of Virginia was not in violation of Va. Code, § 46.1-193.

B. Executive Order No. 36 was without legal force and effect in that Va. Code, § 44-146.17(7), only authorized the Governor to declare a state disaster "whenever, in the opinion of the Governor, the safety and welfare of the people of the state requires the exercise of emergency measures," not because there was a shortage of motor vehicle fuel.

6. The aforesaid motion was overruled, and the Defendant was found guilty of speeding in violation of Va. Code, § 46.1-193, and a fine of $15.00 was imposed.

WILLIAM STEPHENSON BOYD

By R. E. Trabue
Of Counsel

Kenneth E. Trabue
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CERTIFICATE

I, Kenneth E. Trabue, counsel for Appellant and duly qualified to practice in the Supreme Court of Virginia do hereby certify that I have mailed three copies of the Appendix to Robert I. Asbury, Commonwealth Attorney, Smyth County, Marion, Virginia, this 1 day of March, 1975.

Kenneth E. Trabue