

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
(804) 786-2259

Granted Appeal Summary

Case

RICKY DEAN TATE, JR. v. COMMONWEALTH OF VIRGINIA
(Record Number 190201)

From

The Court of Appeals of Virginia

Counsel

James C. Martin (Martin & Martin Law Firm) for appellant.

Tyler A. Klink (Office of the Commonwealth's Attorney) for appellee.

Assignments of Error

1. The Court of Appeals erred in upholding the trial court's ruling that the evidence was sufficient to convict Tate in the Morch/Sheets/Wilner statutory burglary and grand larceny case, where the case was based on the inherently incredible testimony of a co-defendant, Tate testified and denied guilt, and not all of the proper LLC director witnesses testified for the Commonwealth with regard to the lack of permission for Tate to enter or take the items.
2. The Court of Appeals erred in upholding the trial court's failure to apply the single larceny doctrine in the Hrebenak case, in which the taking of a motor vehicle part or parts was the result of a single impulse with the taking of the other items, and thus the second larceny charge should have been dismissed.
3. The Court of Appeals erred in upholding the trial court's ruling that the evidence was sufficient to convict Tate of grand larceny of tires in the Blue Moon Tattoo Parlor case.