

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
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Granted Appeal Summary

Case

AARON LOUIS GOLDBERG v. COMMONWEALTH OF VIRGINIA
(Record Number 191701)

From

The Court of Appeals of Virginia.

Counsel

Roger Alan Whitus (Office of the Public Defender) for appellant.

Kelsey M. Bulger (Office of the Attorney General) for appellee.

Assignment of Error

I. The Court of Appeals erred by finding that any error in denying appellant's motion in limine and admitting horizontal gaze nystagmus ("HGN") evidence was harmless.

II. The Court of Appeals erred by failing to rule on whether the evidence of HGN testing was scientific, supported by sufficient foundational evidence of reliability, and was unfairly prejudicial in violation of appellant's constitutional rights and the Virginia Rules of Evidence.