

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
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Granted Appeal Summary

Case

SHAQUAWN DEMONTE WARREN v. COMMONWEALTH OF VIRGINIA
(Record Number 230248)

From

The Court of Appeals of Virginia.

Counsel

Kelsey Bulger (Virginia Indigent Defense Commission) for appellant.

William K. Hamilton (Office of the Attorney General) for appellee.

Assignments of Error

- I. The Court of Appeals erred in holding that the circuit court was correct to require Warren to lay a foundation for the testimony he intended to present to the jury by proffering evidence on each element of the necessity defense at the motion in limine.
- II. The Court of Appeals erred in holding that the trial court did not err by excluding Warren's proffered evidence because it lacked relevance.
 - a. The Court of Appeals erred in applying an abuse of discretion standard rather than a de novo review.
 - b. The Court of Appeals erred in holding that Warren failed to proffer minimal evidence as to each element of his defense.
- III. The Court of Appeals erred by failing to rule on whether a necessity defense can apply to a charge of driving under the influence.