

**VIRGINIA:**

*In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Thursday the 18th day of January, 2024.*

Present: All the Justices

MICHAEL MELVIN FARY,

APPELLANT,

against

Record No. 230344  
Court of Appeals No. 1079-21-2

COMMONWEALTH OF VIRGINIA,

APPELLEE.

UPON AN APPEAL FROM A  
JUDGMENT RENDERED BY THE  
COURT OF APPEALS OF VIRGINIA.

Upon consideration of the record, briefs, and argument of counsel, the Court is of the opinion that there is no reversible error in the judgment of the Court of Appeals. Accordingly, the Court affirms the judgment of the Court of Appeals for the reasons stated by the *en banc* majority in *Fary v. Commonwealth*, 77 Va. App. 331 (2023) (*en banc*).

This order shall be published in the Virginia Reports and certified to the Court of Appeals of Virginia and the Circuit Court of King William County.

A Copy,

Teste:

  
Clerk