

VIRGINIA:

*In the Supreme Court of Virginia held at the Supreme Court Building in the
City of Richmond on* Monday *the* 17th *day of* December, 2012.

Jeremy Wade Smith, Appellant,

against Record No. 121579
Circuit Court No. CL10-0952

Commonwealth of Virginia, Appellee.

From the Circuit Court of the City of Richmond

Upon the petition of Jeremy Wade Smith, an appeal is awarded him from a judgment rendered by the Circuit Court of the City of Richmond; upon the appellant, or someone for him, filing an appeal bond with sufficient security or an irrevocable letter of credit in the clerk's office of the trial court in the penalty of \$500, within 15 days from the date of the Certificate of Appeal, with condition as the law directs.

This appeal, however, is limited to the consideration of assignments of error Nos. I through IV and VI, which read as follows:

- I. The circuit court erred in denying Mr. Smith's motion for summary judgment as to Count I (Breach of Contract - Request for Specific Performance) and granting summary judgment to the defendant on that count, because the sex offender registration requirements and limitations effective in 1999 were material terms of Mr. Smith's contract with the Commonwealth that the Commonwealth breached by unilaterally imposing higher registration requirements on him in violation of the common law of Virginia.
- II. The circuit court erred by interpreting the post-conviction legislative amendments as applicable to Mr. Smith in derogation of his vested contractual rights, in violation of

Virginia Code § 1-239 and Article I, § 11 of the Virginia Constitution.

- III. The circuit court erred in denying Mr. Smith's motion for summary judgment as to Count II (Unconstitutional Taking) and granting summary judgment to the Defendant on that count, because depriving Mr. Smith of his common law contractual rights under his plea agreement without just compensation constituted an unconstitutional taking in violation of Art I (Declaration of Rights) § 11 of the Virginia Constitution.

- IV. The circuit court erred in denying Mr. Smith's motion for summary judgment as to Count III (Due Process Violation) and granting summary judgment to the Defendant on that count, because depriving Mr. Smith of his common law contractual rights under his plea agreement without a hearing and depriving Mr. Smith of the benefit of his bargain constituted a deprivation of property without due process in violation of Art I (Declaration of Rights) § 11 of the Virginia Constitution.

- VI. The circuit court erred in denying Mr. Smith's motion for summary judgment as to Count IV (Permanent Injunction) and Count V (Petition for Expungement Hearing) and granting summary judgment to the Defendant on those counts on the basis that there was no contractual or constitutional violation, because those violations have been established.

On further consideration whereof, it is ordered that the parts of the record to be printed or reproduced in the appendix are to be limited to those parts of the record germane to assignments of error Nos. I through IV and VI, and the briefs to be filed shall be limited to such discussion as is relevant to those assignments of error.

The petition for appeal is refused as to remaining assignments of error.

A Copy,

Teste:

A handwritten signature in cursive script, appearing to read "Peter L. Henning".

Clerk

CERTIFICATE OF APPEAL

Pursuant to Rule 5:23, I, Patricia L. Harrington, Clerk of the Supreme Court of Virginia, do hereby certify that on December 17, 2012 an appeal was awarded as described in the order to which this certificate is appended. A copy of this certificate and a copy of the order to which it is appended were this day mailed to the lower court indicated in the order and to all counsel of record.

Given under my hand this 17th day of December, 2012.



Clerk