

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
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Granted Appeal Summary

Case

AMBER LEE BOWER v. COMMONWEALTH OF VIRGINIA
(Record Number 200843)

From

The Court of Appeals of Virginia.

Counsel

Dana R. Cormier (Dana R. Cormier, P.L.C.) for appellant.

Maureen E. Mshar (Office of the Attorney General) for appellee.

Assignments of Error

2. The trial court and the Court of Appeals erred by finding sufficient evidence that Ms. Bower had the contemporaneous intent to distribute the 0.693 gram of methamphetamine found hidden in the dashboard vehicle Ms. Bower was driving when the amount and packaging was consistent with personal use despite Ms. Bower's post-Miranda statements about past drug distribution activity. The decision of the Court of Appeals involves a significant matter of precedential value because the Court of Appeals is inconsistent with extant jurisprudence construing contemporaneous intent to distribute small amounts of controlled substance.
3. The Court of Appeals erred by finding that Ms. Bower possessed "approximately seven tenths of an ounce" of methamphetamine when investigators found only seven tenths of a gram (0.693 gram) of methamphetamine hidden behind a stereo in the dashboard of the car. The decision of the Court of Appeals involves a matter of significant precedential value because the Court of Appeals predicates its legal analysis and decision on an erroneous citation to the trial record.
4. The Court of Appeals erred by finding that Ms. Bower made admissions about previously selling "small amounts of methamphetamine" when Ms. Bower only admitted to purchasing and re-selling one-ounce quantities of methamphetamine and "pinching off" small amounts for her personal use. The decision of the Court of Appeals involves a matter of significant precedential value because the Court of Appeals predicates its legal analysis and decision on an erroneous citation to the trial record.