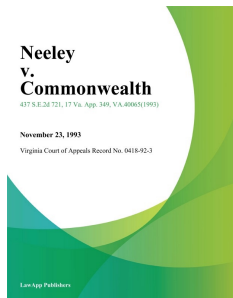


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NEELEY V COMMONWEALTH EBOOKS 2019



Author: Virginia Court of Appeals

Realese Date: Expected @@expectedReleaseDate@@

Albert Jake Neeley, Jr. (Neeley) appeals his conviction by jury of burglary in the nighttime with the intent to commit rape or sodomy, rape, and forcible sodomy. On appeal, Neeley contends that the trial court erred in denying his motion to introduce evidence of the complaining witnesss prior sexual conduct. In a pre-trial evidentiary hearing and at trial, the trial Judge, citing Code 18.2-67.7, refused to admit proffered evidence of the complaining witnesss prior sexual conduct. Neeley alleges that barring the admission of this evidence prejudiced his constitutional right to a fair and impartial trial. For the following reasons, we reverse Neeleys conviction and remand the case for a new trial.

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