

VIRGINIA:

In the Court of Appeals of Virginia on Thursday the 14th day of September, 2006.

Wesley Clay Smith,

Appellant,

against

Record No. 2615-05-4

Circuit Court No. MI-2005-1559

Commonwealth of Virginia,

Appellee.

Upon a Petition for Rehearing En Banc

On April 21, 2006 appellant filed a petition for rehearing *en banc* from the panel's decision dismissing the petition for appeal in this case.

The Rules of Court do not provide for a rehearing *en banc* from the dismissal of a petition for appeal. Rule 5A:15. Accordingly, the petition for rehearing *en banc* is dismissed.

A Copy,

Teste:

Cynthia L. McCoy, Clerk

By: *original order signed by a deputy clerk of the
Court of Appeals of Virginia at the direction
of the Court*

Deputy Clerk