VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Thursday the 1st day of February, 2007.

Wesley Clay Smith,

Appellant,

against

Record No. 062142 Court of Appeals No. 2615-05-4

Commonwealth of Virginia,

Appellee.

From the Court of Appeals of Virginia

Finding that the petition for appeal does not contain a statement setting forth in what respect the decision of the Court of Appeals involves (1) a substantial constitutional question as a determinative issue, or (2) matters of significant precedential value, the Court dismisses said petition filed in the above-styled case. Rule 5:17(c); Code §17.1-410.

A Copy,

Teste:

Patricia L. Harrington, Clerk

By:

Clerk