

## Syllabus

BRISCOE ET AL. *v.* VIRGINIA

## CERTIORARI TO THE SUPREME COURT OF VIRGINIA

No. 07–11191. Argued January 11, 2010—Decided January 25, 2010  
275 Va. 283, 657 S. E. 2d 113, vacated and remanded.

*Richard D. Friedman* argued the cause for petitioners. With him on the briefs were *Joseph D. King*, *Thomas B. Shuttleworth*, and *Charles B. Lustig*.

*Stephen R. McCullough*, State Solicitor General of Virginia, argued the cause for respondent. With him on the brief were *William C. Mims*, Attorney General, *Martin L. Kent*, Chief Deputy Attorney General, *Eugene Murphy*, Senior Assistant Attorney General, *Alice T. Armstrong*, Assistant Attorney General II, and *William E. Thro*.

*Leondra R. Kruger* argued the cause for the United States as *amicus curiae* urging affirmance. With her on the brief were *Solicitor General Kagan*, *Assistant Attorney General Breuer*, *Deputy Solicitor General Dreeben*, and *David E. Hollar*.\*

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\**Timothy P. O'Toole*, *Sandra K. Levick*, *Catharine F. Easterly*, and *Jeffrey L. Fisher* filed a brief for the Public Defender Service for the District of Columbia et al. as *amici curiae* urging reversal.

A brief of *amici curiae* urging affirmance was filed for the State of Indiana et al. by *Gregory F. Zoeller*, Attorney General of Indiana, *Thomas M. Fisher*, Solicitor General, and *Stephen R. Creason*, *Heather L. Hagan*, and *Ashley E. Tatman*, Deputy Attorneys General, by *Martha Coakley*, Attorney General of Massachusetts, and *James J. Arguin* and *David S. Friedman*, Assistant Attorneys General, by *Kevin T. Kane*, Chief State's Attorney of Connecticut, and by the Attorneys General for their respective jurisdictions as follows: *Troy King* of Alabama, *Terry Goddard* of Arizona, *John W. Suthers* of Colorado, *Joseph R. Biden III* of Delaware, *Peter J. Nickles* of the District of Columbia, *Bill McCollum* of Florida, *Lawrence G. Wasden* of Idaho, *Tom Miller* of Iowa, *Steve Six* of Kansas, *Douglas F. Gansler* of Maryland, *Michael A. Cox* of Michigan, *Lori Swanson* of Minnesota, *Anne Milgram* of New Jersey, *Gary K. King* of New Mexico, *Wayne Stenehjem* of North Dakota, *Richard Cordray* of Ohio,

Per Curiam

PER CURIAM.

We vacate the judgment of the Supreme Court of Virginia and remand the case for further proceedings not inconsistent with the opinion in *Melendez-Diaz v. Massachusetts*, 557 U. S. 305 (2009).

*It is so ordered.*

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*W. A. Drew Edmondson* of Oklahoma, *Henry D. McMaster* of South Carolina, *Marty J. Jackley* of South Dakota, *Robert E. Cooper, Jr.*, of Tennessee, *Mark L. Shurtleff* of Utah, *Robert M. McKenna* of Washington, *J. B. Van Hollen* of Wisconsin, and *Bruce A. Salzburg* of Wyoming.