

3 Va.App. 1 (1986)

348 S.E.2d 285

**LOUIS JENNINGS PATTERSON, JR.**

**v.**

**COMMONWEALTH OF VIRGINIA**

**Court of Appeals of Virginia**

September 2, 1986

Stuart C. Sullivan, III (Edmunds Coleman; Franklin, Franklin, Denny & Heatwole; Costello, Dickinson, Johnston, Greenlee, Coleman & McLoughlin, on briefs), for appellant.

Margaret Poies Spencer, Assistant Attorney General (Mary Sue Terry, Attorney General, on brief), for appellee.

Defendant appealed his convictions of seven counts of embezzlement. He argued that the trial court erred when it refused to grant him access to certain records maintained by his employer, and that the court erred in certain rulings regarding the testimony of an expert witness (Circuit Court of Rockbridge County, George E. Honts, III, Judge).

The Court of Appeals reversed, holding that the trial court erred in refusing his motion for a subpoena duces tecum for documents relating to transactions by four other employees. The Court also held that the trial court erred when it allowed an expert witness to base his opinion on an out-of-court summation of the testimony of other witnesses. Finally, the Court held that certain of the testimony of the expert witness was properly admitted.