

COURT OF APPEALS OF VIRGINIA

Present: Judges Baker, Benton and Overton
Argued at Salem, Virginia

BOYD CLIFTON ZIGLAR

v. Record No. 0938-94-3
COMMONWEALTH OF VIRGINIA

MEMORANDUM OPINION* BY
JUDGE NELSON T. OVERTON
DECEMBER 12, 1995

FROM THE CIRCUIT COURT OF HENRY COUNTY
David V. Williams, Judge

Wayne T. Baucino (Office of the Public Defender, on
brief), for appellant.

Linwood T. Wells, Jr., Assistant Attorney General
(James S. Gilmore, III, Attorney General, on brief),
for appellee.

Boyd Clifton Ziglar was convicted at a bench trial of driving a motor vehicle in a manner which endangers the life, limb, or property of another after having been declared an habitual offender in violation of Code § 46.2-357. Ziglar appeals, arguing that his actions did not actually endanger life, limb, or property. We disagree and affirm the conviction.

At trial, a State Trooper testified as to Ziglar's conduct.

As the trooper's vehicle was entering an intersection where his light had just turned green, Ziglar's automobile went through the red light at approximately forty to forty-five miles per hour, the posted speed limit. Upon pulling Ziglar over, the trooper noted passengers in the car, including one or two small children.

*Pursuant to Code § 17-116.010 this opinion is not designated for publication.

Ziglar presented no evidence, but moved to reduce the charge to a misdemeanor on the grounds that his actions did not endanger life, limb, or property. The trial judge overruled the motion.

Based on these facts, the trial judge did not err in overruling Ziglar's motion. Through his conduct, Ziglar did endanger the life, limb, and property of both the trooper in the intersection and Ziglar's own passengers.

Affirmed.