

COURT OF APPEALS OF VIRGINIA

Present: Chief Judge Fitzpatrick, Judge Bumgardner and  
Senior Judge Hodges

NATALIYA ANATOLYEVNA KABATOVA BISHOP

v. Record No. 0948-01-3

WALLACE RANDOLPH BISHOP

MEMORANDUM OPINION\*

PER CURIAM

DECEMBER 11, 2001

FROM THE CIRCUIT COURT OF THE CITY OF ROANOKE  
Jonathan M. Apgar, Judge

(Nataliya A. Bishop, pro se, on brief).

No brief for appellee.

Nataliya A. Bishop (wife) appeals the decision of the circuit court awarding Wallace Randolph Bishop (husband) a no-fault divorce. On appeal, wife contends the trial court erred in granting husband the divorce. Upon reviewing the record and opening brief, we conclude that this appeal is without merit. Accordingly, we summarily affirm the decision of the trial court. See Rule 5A:27.

Procedural Background

The parties were lawfully married in Roanoke, Virginia on November 16, 1998. The parties separated on September 7, 1999. The parties lived separate and apart without cohabitation continuously from September 7, 1999 to the time of the filing of

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\* Pursuant to Code § 17.1-413, this opinion is not designated for publication.

the report of the commissioner in chancery, a period of greater than one year. Neither party filed any objections to the commissioner's report. On March 19, 2001, the trial court entered a decree for divorce a vinculo matrimonii pursuant to Code § 20-91(9). Wife was present and objected to entry of the order without making any specific contention.

#### Analysis

On appeal, wife argues husband was mentally incompetent at the time of the separation, that his will was overborne by his relatives, and that their separation for over one year was not voluntary.

However, the record does not reflect that wife presented these arguments to the trial court. Rule 5A:18 provides that "[n]o ruling of the trial court . . . will be considered as a basis for reversal unless the objection was stated with the grounds therefor at the time of the ruling, except for good cause shown or to enable the Court of Appeals to attain the ends of justice." "The Court of Appeals will not consider an argument on appeal which was not presented to the trial court." Francis v. Francis, 30 Va. App. 584, 592, 518 S.E.2d 842, 847 (1999) (citation omitted).

Because the record does not indicate that wife presented these arguments to the trial court, we will not consider them on appeal. Moreover, the record does not reflect any reason to invoke the good cause or ends of justice exceptions to Rule 5A:18.

Accordingly, the decision of the trial court is summarily affirmed. See Rule 5A:27.

Affirmed.