

COURT OF APPEALS OF VIRGINIA

Present: Judges Frank, Clements and Haley

ROSCOE L. SIMPSON

v. Record No. 0983-05-1

CAROL P. SIMPSON

MEMORANDUM OPINION*
PER CURIAM
OCTOBER 11, 2005

FROM THE CIRCUIT COURT OF THE CITY OF HAMPTON
Louis R. Lerner, Judge

(Roscoe L. Simpson, *pro se*, on brief).

No brief for appellee.

Roscoe L. Simpson (husband) appeals from the circuit court's April 11, 2005 order awarding Carol P. Simpson (wife) attorney's fees for expenses incurred in defending husband's appeal of a previous order and finding him in contempt for failure to pay a previous attorney's fees award. On appeal, husband presents eleven questions corresponding to fourteen listed assignments of error. In addition to challenging the court's finding of contempt, husband raises numerous challenges to the trial court's previous orders. 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.

BACKGROUND

In Simpson v. Simpson, Record No. 0924-03-1 (Va. Ct. App. Nov. 25, 2003), we addressed husband's appeal of the trial court's denial of his "Motion for Relief and to Suspend Court Orders." Finding the court did not err in denying husband's motion because the matters

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

raised in the motion had been previously adjudicated, we remanded the case to the trial court only to determine an appropriate attorney's fee award to wife for expenses incurred by her in connection with that appeal. In its April 6, 2004 order, the trial court awarded wife attorney's fees in the amount of \$1,000. At the motion hearing, husband again attempted to introduce evidence on matters of which the court had finally disposed.

In Simpson v. Simpson, Record No. 0871-04-1 (Va. Ct. App. Jan. 11, 2005), we addressed husband's challenge of the trial court's April 6, 2004 order, addressing only his challenge to the amount of the court's attorney's fees award and remanding the case to the trial court to determine the proper amount to award wife for attorney's fees incurred in defending that appeal.

At an April 5, 2005 hearing, the trial court awarded wife \$500 in attorney's fees and found husband in contempt for failure to pay previous attorney's fees awards.

ANALYSIS

As we noted in our earlier opinions, “[r]es judicata precludes the re-litigation of a claim or issue once a final determination on the merits has been reached by a court having proper jurisdiction over the matter.” Gottlieb v. Gottlieb, 19 Va. App. 77, 81, 448 S.E.2d 666, 669 (1994)). Therefore, the trial court properly refused to address issues other than the attorney's fees award and the contempt allegation. Furthermore, the April 11, 2005 trial court order, which husband appeals in this case, does not substantively address husband's questions presented on appeal.

To the extent husband challenges the court's finding of contempt, we note husband has failed to support his argument with any authority or citations to the record.

“Statements unsupported by argument, authority, or citations to the record do not merit appellate consideration.” Budnick v. Budnick, 42 Va. App. 823, 833-34, 595 S.E.2d 50, 55

(2004) (quoting Roberts v. Roberts, 41 Va. App. 513, 527, 586 S.E.2d 290, 297 (2003)); see Rule 5A:20(e) (requiring appellants to brief the “principles of law, the argument, and the authorities relating to each question presented”).

Having presented no citations or authority in his brief in support of this contention, husband has waived this argument on appeal and we need not address it. See Rule 5A:20(e).

Accordingly, we summarily affirm the decision of the trial court. See Rule 5A:27.

Affirmed.