

COURT OF APPEALS OF VIRGINIA

Present: Judges Benton, Humphreys and Senior Judge Duff

WALTER N. SYDNOR

v. Record No. 1144-00-2

ELIZABETH D. SYDNOR

MEMORANDUM OPINION*
PER CURIAM
NOVEMBER 14, 2000

FROM THE CIRCUIT COURT OF HENRICO COUNTY
L. A. Harris, Jr., Judge

(Judson W. Collier, Jr.; Hooker, Bode,
Collier, Dickinson and Gardner, on brief),
for appellant.

(Russell E. Allen, on brief), for appellee.

Walter N. Sydnor appeals the decision of the circuit court denying his petition for renewed visitation with his child. He contends the trial court abused its discretion because (1) the evidence demonstrated that the father was not guilty of sexual abuse; (2) the evidence supported a finding that the visitation could be resumed under procedures making re-establishment of visitation as comfortable as possible for the child; and (3) the child expressed a preference not to re-establish visitation with her father. Upon reviewing the record and briefs of the parties, we conclude that this appeal is without merit. Accordingly, we summarily affirm the decision of the trial court. Rule 5A:27.

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

The order from which appellant appeals was entered May 25, 2000. Appellant endorsed the order "SEEN AND OBJECTED TO." Neither the order nor the written statement of facts filed in this matter indicate that the father asserted in the trial court the arguments which form the basis of his appeal of the trial court's ruling.

"No ruling of the trial court . . . will be considered as a basis for reversal unless the objection was stated together with the grounds therefor at the time of the ruling" Rule 5A:18. The Court of Appeals will not consider an argument on appeal which was not presented to the trial court. Jacques v. Commonwealth, 12 Va. App. 591, 593, 405 S.E.2d 630, 631 (1991).

As appellant, the father has the burden of providing a record which substantiates his claim of error. See Jenkins v. Winchester Dep't of Soc. Servs., 12 Va. App. 1178, 1185, 409 S.E.2d 16, 20 (1991). In the absence of such a record "we will not consider the point." Id. The record in this appeal contains a written statement of facts that does not specify objections or grounds for objections. When the record is so deficient, "we cannot assume that appellant's objection and reasons were proffered." Lee v. Lee, 12 Va. App. 512, 516, 404 S.E.2d 736, 738 (1991) (en banc). Therefore we hold that Rule 5A:18 bars our consideration of the father's challenges to the trial court's denial of his petition for renewed visitation. 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.

Affirmed.