

COURT OF APPEALS OF VIRGINIA

Present: Judges Baker, Willis and Bray
Argued at Norfolk, Virginia

STEPHEN LEROY HOBBS, JR.

v. Record No. 1262-96-1
COMMONWEALTH OF VIRGINIA

MEMORANDUM OPINION* BY
JUDGE JERE M. H. WILLIS, JR.
APRIL 1, 1997

FROM THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH
A. Bonwill Shockley, Judge

I. Lionel Hancock, III (Bohannon, Bohannon &
Hancock, P.C., on brief), for appellant.

Marla Graff Decker, Assistant Attorney
General (James S. Gilmore, III, Attorney
General, on brief), for appellee.

The judgment of the trial court is affirmed.

Officer DePew lawfully stopped Hobbs' vehicle to issue him a
summons for an unquestioned violation of a City ordinance.

After being stopped, Hobbs voluntarily consented to the
search of his automobile. The validity of that consent is not at
issue. Thus, the search was not unconstitutional. Schneckloth
v. Bustamonte, 412 U.S. 218, 222 (1973). See also Lowe v.
Commonwealth, 218 Va. 670, 678, 239 S.E.2d 112, 117 (1977).

On appeal, Hobbs contests the validity of his pat-down by
Officer DePew. However, that frisk produced no incriminating
evidence and is neither claimed by Hobbs, nor shown by the
record, to have influenced Hobbs' consent to the search of the

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

car. Therefore, the validity of the frisk is not a dispositive issue in this appeal.

The judgment of the trial court is affirmed.

Affirmed.