

COURT OF APPEALS OF VIRGINIA

Present: Chief Judge Moon, Judges Willis and Fitzpatrick  
Argued at Alexandria, Virginia

EARL A. TERPSTRA, JR.

v. Record No. 1659-94-4  
COMMONWEALTH OF VIRGINIA

MEMORANDUM OPINION\* BY  
CHIEF JUDGE NORMAN K. MOON  
OCTOBER 10, 1995

FROM THE CIRCUIT COURT OF FAIRFAX COUNTY  
Robert W. Wooldridge, Jr., Judge

Jim Lowe (R. Ramsey Maupin, on brief),  
for appellant.

(James S. Gilmore, III, Attorney General;  
Margaret Ann B. Walker, Assistant Attorney  
General, on brief), for appellee. Appellee  
submitting on brief.

Earl A. Terpstra, Jr.'s, conviction of second offense driving while under the influence is affirmed. Terpstra maintains that as a predicate offense the Commonwealth relied upon an uncounseled DWI conviction. In Griswold v. Commonwealth, 21 Va. App. \_\_\_, \_\_\_, \_\_\_ S.E.2d \_\_\_, \_\_\_ (1995) (en banc), this Court held that admission into evidence of an uncounseled conviction which included a suspended sentence in the sentencing phase of a subsequent trial is permissible. Here, Terpstra's prior conviction resulted in a fine of \$500 with \$350 suspended, thirty days in jail with thirty days suspended, and a six month restriction on his privilege to drive conditioned upon the successful completion of the ASAP program. Thus, the trial court did not err in admitting the uncounseled predicate offense.

Affirmed.

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