

COURT OF APPEALS OF VIRGINIA

Present: Judges Bray, Bumgardner and Clements
Argued at Chesapeake, Virginia

JIRINA HORVATHOVA NEWLAND

v. Record No. 1880-01-1

CHARLES NEWLAND

MEMORANDUM OPINION* BY
JUDGE RUDOLPH BUMGARDNER, III
APRIL 9, 2002

FROM THE CIRCUIT COURT OF THE CITY OF NORFOLK
Junius P. Fulton, III, Judge

Chester Smith for appellant.

Beth Ann Shapiro (Law Office of Tom C. Smith,
on brief), for appellee.

Jirina Horvathova Newland and Charles Newland were divorced by final decree entered September 28, 2001. On appeal, the wife contends the commissioner in chancery made various evidentiary errors and was biased during his hearings. Finding no error in the trial court's rulings, we affirm.

The trial court referred the matter to a commissioner in chancery, who conducted three separate hearings. The commissioner filed his report to which the wife made two general exceptions. She asserted the commissioner abandoned the "Rules of Evidence" by admitting "numerous and sundry documents" and was biased and prejudiced against her.

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

The trial court heard argument on the wife's exceptions and by letter opinion overruled her exceptions to the report. The trial court entered a final decree of divorce which confirmed the report of the commissioner. The wife did not except to the decree, and counsel endorsed it as "Seen." The record contains no transcript of the hearing on the exceptions to the commissioner's report. The written statement of facts only indicates the trial court heard the wife's evidence that the commissioner "abandoned the Rules of Evidence and Rules of Admissibility" and "unfairly displayed biased [sic] and prejudice against Appellant, and her counsel."

Each of the seven questions the wife raises on this appeal asserts error made by the commissioner, not error made by the trial court. Five of those issues were not presented to the trial court and are thus not preserved for appeal. Rule 5A:18. The wife did not except to the ruling by the trial court on the two issues she did raise in her exceptions to the commissioner's report. Id. Further, the questions she raises on this appeal are imprecise and unspecified. "Statements unsupported by argument, authority, or citations to the record do not merit appellate consideration. We will not search the record for errors in order to interpret the appellant's contention and correct deficiencies in a brief." Buchanan v. Buchanan, 14 Va. App. 53, 56, 415 S.E.2d 237, 239 (1992) (citations omitted).

A review of the transcripts of the commissioner's hearings suggests no apparent error in the evidentiary rulings of the commissioner, nor does it indicate the commissioner was biased. We affirm the trial court.

We deny the husband's request for appellate attorney's fees because the wife lacks the ability to pay.

Affirmed.