

COURT OF APPEALS OF VIRGINIA

Present: Judges Benton, Coleman and Willis

JOHN HENRY THORNBURG, JR.

v. Record No. 2056-96-3

CHERYL ANN BUCKLES THORNBURG

MEMORANDUM OPINION*
PER CURIAM
FEBRUARY 18, 1997

FROM THE CIRCUIT COURT OF THE CITY OF BRISTOL
Charles B. Flannagan, II, Judge

(Ralph M. Dillow, Jr.; Dillow and Esposito,
on brief), for appellant.

(Nancyjean Bradford; Bradford & Poe, on
brief), for appellee.

John Henry Thornburg, Jr. appeals the decision of the circuit court granting a divorce on the ground of a one-year separation. Husband contends the court erred in not granting the divorce on the ground of desertion and in awarding permanent spousal support to wife. 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.

I.

The trial court did not err in granting a divorce on the ground of a one-year separation. The evidence proved facts sufficient to grant a divorce on that ground. Furthermore, the trial court did not find that wife deserted the marriage. Even

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

assuming that the evidence was sufficient to prove desertion by wife, a trial court is "not compelled 'to give precedence to one proven ground of divorce over another.'" Williams v. Williams, 14 Va. App. 217, 220, 415 S.E.2d 252, 253 (1992) (citation omitted). "It is well established that 'where dual or multiple grounds for divorce exist, the trial judge can use his sound discretion to select the grounds upon which he will grant the divorce.'" Id. (citation omitted).

II.

The only ground that statutorily bars a spouse's right to support is adultery. Code § 20-107.1. Therefore, husband's contention that wife's alleged desertion bars an award of spousal support is without merit.

Accordingly, the decision of the circuit court is summarily affirmed.

Affirmed.