

COURT OF APPEALS OF VIRGINIA

Present: Judges Benton, Bray and Bumgardner
Argued at Salem, Virginia

MICHAEL RAY SHORT

v. Record No. 2274-98-3

COMMONWEALTH OF VIRGINIA

MEMORANDUM OPINION* BY
JUDGE RUDOLPH BUMGARDNER, III
OCTOBER 26, 1999

FROM THE CIRCUIT COURT OF PITTSYLVANIA COUNTY
William N. Alexander, II, Judge

Jesse W. Meadows, III, for appellant.

Donald E. Jeffrey, III, Assistant Attorney
General (Mark L. Earley, Attorney General, on
brief), for appellee.

Michael Ray Short was indicted for statutory burglary and three charges of grand larceny. Pursuant to a plea agreement, he pled guilty to one charge of grand larceny of a truck, and the trial court nolle prossed the remaining charges. On appeal, the defendant argues that the trial court improperly ordered him to pay restitution for crimes for which he was not tried or convicted. Because the sentencing order did not order restitution to anyone other than the owner of the stolen truck, we dismiss this appeal.

The defendant and a codefendant broke into an auto repair shop. They took a truck belonging to Brian Crews and two

* Pursuant to Code § 17.1-413, recodifying Code § 17-116.010, this opinion is not designated for publication.

toolboxes full of tools belonging to the shop owner, William Andrews, and an employee, James Hubbard.

The defendant argues the trial court erred in ordering him to pay restitution to Andrews and Hubbard for the stolen tools. However, the order from which the defendant appeals does not support his contention. The order only provides restitution to Brian Crews, the owner of the truck stolen by the defendant. It contains no direction to pay restitution to either Andrews or Hubbard. A court speaks only through its orders, see Jones v. Commonwealth, 24 Va. App. 636, 649, 484 S.E.2d 618, 620 (1997), and the issues raised on this appeal are not reflected in the order. Accordingly, we dismiss the appeal.

Dismissed.