

COURT OF APPEALS OF VIRGINIA

Present: Judges Bray, Frank and Senior Judge Baker
Argued at Norfolk, Virginia

ALVAREZ E. GONZALEZ

v. Record No. 2275-98-1

COMMONWEALTH OF VIRGINIA

MEMORANDUM OPINION* BY
JUDGE JOSEPH E. BAKER
JUNE 29, 1999

FROM THE CIRCUIT COURT OF THE CITY OF NORFOLK
Marc Jacobson, Judge

Ronald Batliner, Jr. (Mason & Batliner, P.C.,
on brief), for appellant.

Jeffrey S. Shapiro, Assistant Attorney
General (Mark L. Earley, Attorney General, on
brief), for appellee.

Alvarez E. Gonzalez (appellant) appeals from his bench trial conviction by the Circuit Court of the City of Norfolk (trial court) for taking indecent liberties with an eleven-year-old child. The sole issue presented by this appeal is whether the trial court erred when it took judicial notice that appellant had testified under oath at his arraignment that his date of birth was September 6, 1958. At trial, when the trial court stated it was taking judicial notice of that fact, appellant failed to preserve that issue by stating an objection with specificity, as required by Rule 5A:18.

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

"No ruling of the trial court . . . will be considered as a basis for reversal unless the objection was stated together with the grounds therefor at the time of the ruling, except for good cause shown or to enable the Court of Appeals to attain the ends of justice." Rule 5A:18 serves an important function during the conduct of a trial. It places the parties on notice that they must give the trial court the first opportunity to rule on disputed evidentiary and procedural questions. The purpose of this rule is to allow correction of an error if possible during the trial, thereby avoiding the necessity of mistrials and reversals. To hold otherwise would invite parties to remain silent at trial, possibly resulting in the trial court committing needless error. In order to avoid this result, we adhere to the policy of placing an affirmative duty on the parties to enter timely objections to rulings made during the trial.

Gardner v. Commonwealth, 3 Va. App. 418, 423, 350 S.E.2d 229, 232 (1986).

In our review of the record, we find no reason to apply the ends of justice principle to this case.

Accordingly, the judgment of the trial court is affirmed.

Affirmed.